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IDENTIFIERS	*Delaware

ABSTRACT

The Delaware State Plan for fiscal years 88-90, as mandated by Public Law 94-142, the Education for All Handicapped Children Act. Part I consists of various submission statements and certifications required by the law. Part II consists of substantive requirements. Policies, procedures, and descriptions concerning the following are detailed: right to education policy statement, full educational opportunities goal, policy on priorities, child identification, individualized education programs, procedural safeguards, least restrictive environment, protection in evaluation procedures, comprehensive system of personnel development, participation of private school children, placement in private schools, recovery of funds for misclassified children, notice and opportunity for hearing on local education association application, annual evaluation, additional requirements, and confidentiality. Also addressed is the use of Part B funds, and additional state plan requirements. Eight appendixes provide data concerning the comprehensive system for personnel development, anticipated needs for educational surrogate parents, a needs assessment survey, personnel projections, the handbook for the Comprehensive Compliance Monitoring System, and the Administrative Manual for Programs for Exceptional Children. (DB)

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DELAWARE STATE PLAN
FISCAL YEAR 1988 - 90

Under Part B of the Education of the Handicapped Act as Amended

STATE OF DELAWARE

DEPARTMENT OF PUBLIC INSTRUCTION
DOVER, DELAWARE 19901

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INTRODUCTION

The Delaware State Plan, for FY 1988-90, under Part B of the Education of the Handicapped Act as Amended, submitted to O.S.E.P. on May 15, 1987, is contained in this volume. This volume is organized as follows to facilitate review:

INTRODUCTION

SUBMISSION/APPROVAL DOCUMENTS

STATE PLAN BODY

O.S.E.P. STATE PLAN CHECKLIST

SUPPLEMENTS/AMENDMENTS

Specific questions and comments may be directed to Dr. William M. Lybarger, State Supervisor, Exceptional Children Programs/Child Identification, by calling (302) 736-4667 or forwarding correspondence to him at the following address:

Delaware State Department of Public Instruction
P.O. Box 1402
Dover, Delaware 19903

While formal Public Hearings were held prior to submission of the State Plan to O.S.E.P., comments are welcomed at any time, and will be considered when drafting subsequent supplemental material and/or revisions to the document.

STATE OF DELAWARE

DEPARTMENT OF PUBLIC INSTRUCTION
THE TOWNSEND BUILDING
P O BOX 1402
DOVER, DELAWARE 19903

WILLIAM B KEENE
STATE SUPERINTENDENT
JOHN J RYAN
DEPUTY STATE SUPERINTENDENT

SIDNEY B COLLISON
JAMES L SPARTZ
ASSISTANT STATE SUPERINTENDENTS

May 15, 1987

Deputy Director
Division of Assistance to States
Switzer Building
Room 3609
400 Maryland Avenue, S.W.
Washington, D.C. 20202-4714

Gentlemen:

Enclosed please find the Delaware State Plan for FY'88-90, submitted in partial fulfillment of requirements as specified by the Office of Special Education Programs and Rehabilitative Services to receive funds authorized under Part B of the Education of the Handicapped Children Act (PL 94-142) as amended.

This is a new draft as required for Group I States. It is being submitted in what we believe to be "substantially approvable form." The Plan is being circulated throughout the State for a period of sixty-one (61) days, beginning May 18 and running through July 17, 1987. Public hearings are scheduled for May 26, 27, and 28 in each of our three counties, respectively. Public comment will be received through July 17.

Delaware certifies that the application contains assurances set forth in 34 CFR 76.101 and that the application is consistent with other current Federal and State law.

Therefore, I, the undersigned authorized official of the State Educational Agency of Delaware, hereby submit this State Plan as described above and attached hereto for the Fiscal Years 1988-1990.

Sincerely,

William B Keene
William B. Keene
State Superintendent

WBK/de
Enclosures (3)

[illegible] for fed. [illegible]

THE STATE OF DELAWARE IS AN EQUAL OPPORTUNITY
EMPLOYER AND DOES NOT DISCRIMINATE OR DENY
SERVICES ON THE BASIS OF RACE, COLOR, NATIONAL
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831 Orange Street
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News~Journal
papers

Sunday News Journal
The Morning News
Evening Journal
The News Journal

AFFIDAVIT OF PUBLICATION

STATE OF DELAWARE **COUNTY OF NEW CASTLE**

Personally appeared before me this 26th day of OCTOBER 19 87 ELIZABETH A. DOBEK of THE NEWS-JOURNAL COMPANY, a daily newspaper printed and published in the City of Wilmington, County of New Castle, State of Delaware, who, being duly sworn states that advertisement of THE DELAWARE STATE DEPT. was published in

THE MORNING NEWS on OCT. 26, 1987

EVENING JOURNAL on OCT. 26, 1987

THE NEWS-JOURNAL on

SUNDAY NEWS JOURNAL on

Elizabeth A. Dobek
Name

CLASSIFIED SALES SUPERVISOR
Title

Sworn to before me this 26th day of OCTOBER 19 87

Notary Public

The Delaware State Department of Public Instruction herewith announces the following:

1. The Delaware State Plan and its amendments under Part B of the Education of the Handicapped Act as Amended by P.L. 99-457, for Fiscal Year 1988-90, have been conditionally approved by the Office of Special Education Programs and Rehabilitative Services, U.S. Department of Education.

2. The Delaware Preschool Grant application under §619 of Part B of the Education of the Handicapped Act for Fiscal Year 1988, has been conditionally approved by the Office of Special Education Programs and Rehabilitative Services, U.S. Department of Education.

3. The Delaware Infant/Toddler Grant application under §619 of Part H of the Handicapped Act as amended by P.L. 99-457, for Fiscal Year 1988, has been approved by the Office of Special Education Programs and Rehabilitative Services, U.S. Department of Education.

Copies of these documents are available for review by parents and other members of the general public through Dr. Carl M. Haltom, Director, Exceptional Children/Special Programs Division, of the Delaware State Department of Public Instruction, Dover, Delaware.

Oct 26/88-1 (990178)

Dr Lyborger

NOV [illegible] - 1987

831 Orange Street
PO Box 1111
Wilmington, Delaware 19899
(302) 573-2000

The News-Journal Company

Sunday News Journal
The Morning News
Evening Journal
The News Journal

October 26, 1987

State Dept. of Public
Finance & School Serv.
Townsend Bldg. P.O. Box 1401
Dover, DE 19903

RE: THE DELAWARE STATE DEPT.

Dear Mr. Nichols:

Affidavit for the above mentioned Legal Notice which was published on the date stated is enclosed.

Thank you.

Very truly yours,

Elizabeth A. Dobek

Elizabeth A. Dobek
Classified Sales Supervisor

OCT 1 1987

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY
FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES

SEP 21 1987

Honorable William B. Keene
Superintendent of Public Instruction
State Department of Education
Post Office Box 1402
Townsend Building
Dover, Delaware 19901

Dear Superintendent Keene:

I am pleased to inform you that your State plan under Part B of the Education of the Handicapped Act (EHA-B) for fiscal years 1988, 1989, and 1990 has been conditionally approved.

In order to progress from conditional approval to final approval, you must provide the additional documents to the Office of Special Education Programs (OSEP) that you referenced in your letter dated July 7, 1987. It is OSEP's understanding that documents to be submitted to OSEP will include:

✓1. A complete copy of Delaware's monitoring documents used to determine Local Educational Agencies' compliance with the EHA-B. This information is to be submitted by December 31, 1987.

2. Following the State-Board meeting held in January 1988, a final copy of the Board-approved Delaware Administrative Manual for Special Education Programs, covering all applicable Federal requirements.

Please bear in mind that you are required to publish notices that the State plan amendments have been approved by the U.S. Department of Education, and that the plan, including the amendments, is available to parents and other members of the general public. Our conditional approval is based on our review of the following documents, which collectively constitute the amendments to your State plan:

1. State plan document dated May 12, 1987;

2. Letter from Bill Lybarger to Carolyn Smith dated July 7, 1987;

400 MARYLAND AVE. S.W. WASHINGTON, D.C. 20202

3. Amendments to State plan received June 8, 1987; and

4. Further changes to those amendments dated August 27, 1987.

The grant award will be made to your State with the continued understanding that the Office of Special Education and Rehabilitative Services (OSERS) will, from time to time, require the clarification of information within your State plan. These inquiries are necessary to allow us to carry out administrative responsibilities related to the Act.

Grants under EHA-B for fiscal years 1989 and 1990 will be made to your State as funds become available for Federal obligation and disbursal if the following conditions are met: (1) the State must have in effect an approved State plan for the fiscal year in question and that plan must reflect current Federal and State statutory and regulatory requirements; (2) the "Report on How Part B Funds Will Be Used" must still be in effect or have been amended to reflect the new State project budget for the use of EHA-B funds during the fiscal year in question; and (3) all required reports (which are currently the Annual Performance Report and the Annual Data Report) for the year preceding the fiscal year in question must have been submitted to the Office of Special Education Programs.

We appreciate the effort put into the State plan and look forward to working with you and your special education staff as the plan is implemented.

Your grant award letter is enclosed.

Sincerely,

Madeleine Will

Madeleine Will
Assistant Secretary

cc: Carl M. Haltom

UNITED STATES DEPARTMENT OF EDUCATION
Washington, D.C. 20202
NOTIFICATION OF FORMULA GRANT AWARD

Office of the Assistant Secretary for Special Education and Rehabilitative Services

1. NAME AND ADDRESS OF GRANTEE
Honorable William B. Keene
Supt. of Public Instruction
State Dept. of Public Instruction
P.O. Box 1402, Townsend Bldg.
Dover, Delaware 19901

2. PROGRAM AND GRANT TITLE
Grants to States for the Education of Handicapped Children - State Grants
CFDA NUMBER 84-027

3. AMOUNT OF THIS AWARD $3,602,956.00
PREVIOUS AMOUNT AWARDED
TOTAL AMOUNT AWARDED TO DATE $3,602,956.00

4. GRANT AWARD IS:
X NEW ___ REVISED
REVISION NUMBER
MATCHING FUNDS AMOUNT ______

5.

BUDGET PERIOD		PERFORMANCE PERIOD	
START DATE	END DATE	START DATE	END DATE
		0787	0988

6. AWARD DATE
SEP 21

7.	DOCUMENT OR GRANT NUMBER	FISCAL YEAR	COMMON ACCOUNTING NUMBER	APPROPRIATION SYMBOL	OBJECT CLASS	AMOUNT OF AWARD
a.	H027A70008	7	E002555	917/80300	4115	$3,602,956.00
b.						
c.						
d.						

8. ENTITY NUMBER 1516000279-A4
STATE APPLICATION IDENTIFIER NUMBER ______

9. COMMENTS: RECORD TYPE: 7

10. PLEASE DIRECT INQUIRIES TO:

a) PAYMENT QUESTIONS:
NAME Dept. of Education/Program Financing Branch/Letter of Credit
ADDRESS 400 Maryland Ave., S.W., Wash., D.C. 20202
PHONE (202) 732-4087

b) PROGRAM QUESTIONS:
NAME Jeffrey F. Champagne, Acting Director, Division of Assistance to States
ADDRESS 400 Maryland Ave., S.W., Wash., D.C. 20202
Switzer Building, Room 3613
PHONE (202) 732-1056

11. SIGNATURE AND TITLE OF AUTHORIZING OFFICIAL Madeleine Will DATE SEP 21 1987

DELAWARE STATE PLAN
FISCAL YEAR 1988-1990

Under Part B of the Education of the Handicapped Act as Amended

Submitted by the
Exceptional Children/Special Programs Division
Delaware Department of Public Instruction
P.O. Box 1402, Townsend Building
Dover, Delaware 19903

May 15, 1987

This publication is available in Microfiche from the
Bureau of Archives and Records, Hall of Records,
P.O. Box 1401, Dover, Delaware 19903
and printed in the U.S.A.

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DOCUMENT # 95-01/87/05/05

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Lewes

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Dover

William B. Keene
Secretary

Officers of the Department of Public Instruction

Townsend Building
P. O. Box 1402
Dover, Delaware 19903

William B. Keene, State Superintendent
John J. Ryan, Deputy State Superintendent
Henry C. Harper, Executive Assistant
Sidney B. Collison, Assistant State Superintendent
Instructional Services Branch
James L. Spartz, Assistant State Superintendent
Administrative Services Branch

DELAWARE STATE PLAN SUBMISSION
FISCAL YEAR 1988-1990

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INTRODUCTION

On November 25, 1985, the Delaware Department of Public Instruction received a memorandum from Patricia J. Guard, Acting Director of the Office of Special Education Programs within the U.S. Department of Education. Information presented indicated that OSEP was implementing a staggered State Plan submission procedure. States designated as Group I States were to submit their plan for FY'87, Group II States were to submit for FY'87-88, and Group III States were to submit a new three-year Plan for FY'87-89.

The memorandum identified Delaware as a Group I State, and requested that the FY'84-'86 Delaware State Plan be resubmitted as approved by OSEP in 1984, with any amendments being referenced as attachments to the Plan. Therefore, the FY'87 State Plan was valid for only one year, necessitating a redrafting of the Plan for FY'88-'90.

In March, 1985, OSEP conducted a Special Education Programs Comprehensive Compliance Review of the Delaware Department of Education. In the final report of the findings from the OSEP review, it became evident that it was necessary for the State to undertake a comprehensive revision of the policies and procedures for providing a free, appropriate public education to all handicapped children living within its borders. As a result, through a participatory process involving over 200 community members including professionals, parents and members of advocacy groups, a newly formatted Administrative Manual: Programs for Exceptional Children was drafted. Adopted by the Delaware State Board of Education at its regular meeting of March 19, 1987, the Manual constitutes the policies and procedures for providing special education services in the State.

To meet State Plan requirements, the FY'88-90 State Plan incorporates a substantial portion of the Manual. Narration is used only when necessary to clarify procedures. To assist the reader in understanding the Plan, requirements are presented in italics -- the State response is presented in standard type. To minimize the size of the text, reference and supplemental materials have been attached as appendices, cited in the text. While formal opportunity for public comment is made annually, suggestions and criticisms are welcomed by the Department at any time.

EHA-B STATE PLAN CHANGES

The FY'88-90 State Plan for EHA-B represents a total redrafting of content, with three exceptions:

1. Section XI. Recovery of Funds for Misclassified Children.
2. Section XII. Notice and Opportunity for Hearing on LEA Application.
3. Section XV. Confidentiality.

While selected elements in other sections may appear familiar to the reader, they are incorporated in a manner which reflects content of the newly adopted Administrative Manual: Programs for Exceptional Children.

CIVIL RIGHTS CERTIFICATE

ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION ACT OF 1973, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AND THE AGE DISCRIMINATION ACT OF 1975.

The applicant provides this assurance in consideration of and for the purpose of obtaining federal grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other federal financial assistance to education programs or activities from the Department of Education.

The applicant assures that it will comply with:

1. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

2. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap in programs and activities receiving federal assistance.

3. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in education programs and activities receiving federal financial assistance.

4. The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

5. All regulations, guidelines, and standards lawfully adopted under the above statutes by the United States Department of Education.

The applicant agrees that compliance with the Assurance constitutes a condition of continued receipt of federal financial assistance, and that it is binding upon the applicant, its successors, transferees, and assignees for the period during which such assistance is provided. The applicant further assures that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education programs or activities are not discriminating in violation of the above statutes, regulations, guidelines, and standards against those students or employees. In the event of failure to comply, the applicant understands that assistance can be terminated and the applicant denied the right to receive further assistance. The applicant also understands that the Department of Education may, at its discretion, seek a court order requiring compliance with the terms of the Assurance or seek other appropriate judicial relief.

The person whose signature appears below is authorized to sign this application, and to commit the applicant to the above provisions.

William B Keene

Dr. William B. Keene, State Superintendent
State Department of Public Instruction
P.O. Box 1402, Townsend Building
Dover, DE 19903

5/12/87
Date

Part I - Submission Statements and Certifications

A. SUBMISSION STATEMENT

I, the undersigned authorized official of the State Educational Agency of The State of Delaware, hereby submit the following State Plan for Fiscal Years 1988-90 under Part B of the Education of the Handicapped Act, as amended.

William B Keene

Signature of authorized official

5/12/87

Date

William B. Keene, State Superintendent

Typed name and title

B. ASSURANCE STATEMENTS

The State of Delaware makes the following assurances and provisions as required by Part B of the Education of the Handicapped Act, as amended (20 U.S.C. 1411-1420):

I. In carrying out the requirements of 20 U.S.C. 1412, procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children (20 U.S.C. 1412(7)(A)).

II. Programs and procedures will be established to assure that funds received by the State or any of its political subdivisions under any other Federal program, including Chapter 1 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3801-3807) and Section 122 of the Vocational Education Act of 1963 (20 U.S.C. 1232), under which there is specific authority for the provision of assistance for the education of handicapped children, will be utilized by the State, or any of its political subdivisions, only in a manner consistent with the goal of providing a free appropriate public education for all handicapped children, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such Federal programs (20 U.S.C. 1413(a)(2)).

III.Federal funds made available under the Act (A) will not be commingled with State funds, and (B) will be so used as to supplement and increase the level of Federal, State, and local funds (including funds that are not under the control of State or local eductional agencies) expended for special education and related services provided to handicapped children and in no case to supplant such Federal, State, and local funds, except that, where the State provides clear and convincing evidence that all handicapped children have available to them a free appropriate public education, the Secretary may waive in part the requirement of this clause if he concurs with the evidence provided by the State (20 U.S.C. 1413(a)(9)).

IV. The State has an advisory panel, appointed by the Governor or any other official authorized under State law to make such appointments, composed of individuals involved in, or concerned with, the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, State and local education officials, which (A) advises the State educational agency of unmet needs within the State in the education of handicapped children, (B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under the Act and (C) assists the State in developing and reporting such data and evaluations as may assist the Secretary in the performance of his responsibilities under 20 U.S.C. 1418 (20 U.S.C. 1413(a)(12)).

V. The Education of the Handicapped Act, as amended, will not be construed by the State to permit the State to reduce medical or other asssistance available under, or to alter the eligibility requirements of, programs funded in whole or in part through Title V (Maternal and Child Health) or Title XIX (Medicaid) of the Social Security Act, with respect to the provision of a free appropriate public education for handicapped children within the State.

Delaware

(State)

C. GENERAL STATE APPLICATION - EDGAR ASSURANCE

The State educational agency provides assurances that it will comply with the provisions contained in 34 CFR 76.101.

D. CERTIFICATIONS REQUIRED BY EDGAR

In accordance with 34 CFR 76.104 the State educational agency assures:

I. That the Plan is submitted by the State agency that is eligible to submit the Plan.

II. That the State agency has authority under State law to perform the functions of the State under the program.

III. That the State legally may carry out each provision of the Plan.

IV. That all provisions of the Plan are consistent with State law.

V. That a State officer, specified by title in the certification, has authority under State law to receive, hold, and disburse Federal funds made available under the plan.

VI. That the State officer who submits this Plan, specified by title in the certification, has authority to submit the Plan.

VII. That the agency that submits the Plan has adopted or otherwise formally approved the Plan.

VIII. That the Plan is the basis for State operation and administration of the program.

E. EXECUTIVE ORDER 12372

This State Certifies that:

To the best of our knowledge and belief, data in this State Plan are true and correct, the document has been duly authorized by the governing body of the State education agency and the State will comply with the attached assurances if the State Plan is approved.

The State Plan was submitted to the State's "single point of contact" under Executive Order 12372 on date April 30, 1987 .

F. PUBLIC PARTICIPATION (34 CFR 300.280-300.284 and 34 CFR 76.101(e)(7) of the EDGAR)

Following is documentation of intent to hold public hearings and make the plan available to the public for comment as required.

STATE OF DELAWARE

DEPARTMENT OF PUBLIC INSTRUCTION
THE TOWNSEND BUILDING
P. O. BOX 1402
DOVER, DELAWARE 19903

WILLIAM B. KEENE
STATE SUPERINTENDENT
JOHN J. RYAN
DEPUTY STATE SUPERINTENDENT

SIDNEY B. COLLISON
JAMES L. SPARTZ
ASSISTANT STATE SUPERINTENDENTS

May 14, 1987

News Journal Company
Classified Advertising
116 East Water Street
P.O. Box 535
Dover, DE 19901

Gentlemen:

The attached ad is to be placed in the Morning News and Evening News Journal on Monday, May 18, 1987.

Please send tear sheet and bill to State Department of Public Instruction, Attn: Jack Nichols, State Director, Finance and School Services Division, Townsend Building, P.O. Box 1402, Dover, DE 19903.

Sincerely,

Jack G. Nichols
State Director, Finance &
School Services Division

JGN:me
Enclosure
cc: Dr. Haltom
Dr. Lybarger

THE STATE OF DELAWARE IS AN EQUAL OPPORTUNITY EMPLOYER AND DOES NOT DISCRIMINATE OR DENY SERVICES ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, HANDICAP AND/OR AGE

NOTICE OF PUBLIC HEARING

THE DELAWARE DEPARTMENT OF PUBLIC INSTRUCTION HAS PREPARED THE FY'88-90 EDUCATION OF THE HANDICAPPED ACT PART B STATE PLAN FOR SUBMISSION TO THE U.S. DEPARTMENT OF EDUCATION. COPIES OF THE PLAN WILL BE AVAILABLE FOR PUBLIC REVIEW AT LOCAL PUBLIC LIBRARIES AND THE DEPARTMENT OF PUBLIC INSTRUCTION LIBRARY FROM MONDAY MAY 18, THROUGH FRIDAY JULY 17, 1987. PUBLIC HEARINGS HAVE BEEN SCHEDULED AS FOLLOWS:

NEW CASTLE CO. - MAY 26, 7:30 P.M. WM PENN HIGH SCHOOL CAFET.
KENT COUNTY - MAY 27, 7:30 P.M. WM HENRY MIDDLE SCH. CAFET.
SUSSEX COUNTY - MAY 28, 7:30 P.M. SUSSEX VO-TECH CAFETERIA

PRIOR TO JULY 18, 1987, WRITTEN COMMENTS CONCERNING THE PLAN MAY BE ADDRESSED TO: DR. CARL M. HALTOM, STATE DIRECTOR, EXCEPTIONAL CHILDREN/SPECIAL PROGRAMS DIVISION, DEPARTMENT OF PUBLIC INSTRUCTION P.O. BOX 1402, TOWNSEND BUILDING, DOVER, DE 19903.

Delaware
(State)

Part II - Substantive Requirements

A. POLICIES, PROCEDURES, AND DESCRIPTIONS

The FY 1989-90 State Plan must be a complete, intact document which includes all of the provisions listed below. States shall provide policies and procedures which they have adopted which implement the provisions below. (NOTE: Policies and procedures should include details of how requirements will be implemented.) States may include in their State plans for FY 1989-90 those portions of their current State Plan which they wish to retain and which are in full compliance with the EHA-B regulations. States should submit the following overview with their plans. Under Column A, please indicate with a check the policies and procedures that are being revised in the FY 1989-90 State Plan. Under Column B, please give the page numbers in the FY 1989-90 Plan for each of the provisions listed below.

		(Column A) Change from FY 86-88 Plan	(Column B) Pages in FY 89-90 Plan
I.	Right to Education Policy Statement (20 U.S.C. 1412(1) and 1412(2)(B); 34 CFR 300.121-122	X	1-9
II.	Full Educational Opportunities Goal (20 U.S.C. 1412 (2)(A) 20 U.S.C. 1418(b)(6); 34 CFR 300.123-300.126) (See footnote #1)	X	10-15
III.	Child Identification (20 U.S.C. 1412(2)(C); 34 CFR 300.128)	X	16-24

---

[1] Full Educational Opportunities Goal. Data requirements for 34 CFR 300.124-300.126 are met through the submission of the State Plan, the Annual Data Report and the Annual Performance Report.

Delaware
(State)

IV.	Individualized Education Program (20 U.S.C. 1412(4); 34 CFR 300.130)	X	25-35
V.	Procedural Safeguards (20 U.S.C. 1412(5)(A); 34 CFR 300.131)	X	36-59
VI.	Least Restrictive Environment (20 U.S.C. 1412(5)(B); 34 CFR 300.132) (See Footnote #2)	X	60-71
VII.	Protection in Evaluation Procedures (20 U.S.C. 1412(5)(C); 34 CFR 300.133)	X	72-79
VIII.	Comprehensive System of Personnel Development (20 U.S.C. 1413(a)(3); 34 CFR 300.139) (See Footnote #3)	X	80-97
IX.	Participation of Private School Children (20 U.S.C. 1413(a)(4)(A); 34 CFR 300.140; 34 CFR 76.651-76.663)	X	98-107
X.	Placement in Private Schools (20 U.S.C. 1413(a)(4)(B); 34 CFR 300.140)	X	108-111
XI.	Recovery of Funds for Misclassified Children (20 U.S.C. 1413(a)(5); 34 CFR 300.141)	[illegible]	

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[2] Least Restrictive Environment. Data requirements for 34 CFR 300.132 are met through the submission of the Annual Data Report.

[3] Comprehensive System of Personnel Development. It is not necessary to include in the State Plan tabular data on personnel employed and personnel needed. These data are now submitted in the Annual Data Report.

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XII.	Notice and Opportunity for Hearing on LEA Application (20 U.S.C. 1413(a)(8); 34 CFR 300.144)	O	-
XIII.	Annual Evaluation (20 U.S.C. 1413(a)(11); 34 CFR 300.146)	X	115-116
XIV.	Additional Requirements		
A.	Responsibility of SEA for all Education Programs (20 U.S.C. 1412(6); 34 CFR 300.134)	X	117-132
B.	SEA Monitoring Procedures (34 CFR 76.101(a)(3); 34 CFR 300.128(a)(5), 300.130(b)(2), 300.402(a), 300.556)	X	132-138
C.	Policies and Procedures for Use of Part B Funds (20 U.S.C. 1413(a)(1); 34 CFR 300.148)	X	139-140 167-174
D.	Direct Services by the SEA (20 U.S.C. 1413(b); 34 CFR 300.151)	X	141
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PART II - SUBSTANTIVE REQUIREMENTS

A. *POLICIES, PROCEDURES AND DESCRIPTIONS*

I. *Right to Education Policy Statement, 612(1)*.

Section 612(1) of Public Law 94-142 states that "In order to qualify for assistance under this part in any fiscal year, a State shall demonstrate to the Commissioner that the following conditions are met: (1) The State has in effect a policy that assures all handicapped children the right to a free appropriate public education."

1. *Include information showing the State policy which ensures a right to a free appropriate public education for all handicapped children.*

The Policy includes statements that:

(1) It applies to all public agencies in the State that provide education to handicapped children.

Title 14, Chapter 31, Section 3120 of the Delaware Code states:

> The State shall provide, in the school districts of the State, or in other state institutions and agencies or in special programs and private agencies as established or approved by the State Board of Education, that each handicapped person as defined in this chapter shall receive a free and appropriate public education designed to meet his or her needs. The State Board of Education shall be the agency responsible for the implementation of this required provision.

(ii) It includes all handicapped children as defined in PL 94-142.

The Delaware Administrative Manual: Programs for Exceptional Children (AMPEC) Sections I.E.2.a. through I.E.2.1. contains the following definitions pertaining to the handicapped:

a. Visual Impairment

The student's sensory visual impairment is such that he or she cannot develop his or her educational skills without special services and materials.

(1) A legally blind student is one who has a visual acuity of 20/200 or less in the better eye, with best correction, or a peripheral field so contracted that the widest diameter of such field subtends an angular distance no greater than 20 degrees. (Ophthalmologist or Optometrist)

(2) A partially sighted student is one who has a visual acuity between 20/70 and 20/200 in the better eye with best correction or who has a disease of the eye or body that seriously affects vision. (Opthalmologist or Optometrist)

b. Hearing Impairment

The student exhibits an impairment within the auditory system which may interfere with or preclude the ability to consistently and appropriately interpret spoken language through audition. A student may be considered for a hearing impaired instructional unit if the auditory impairment hinders educational progress in a regular educational program; however, admission to or the establishment of a hearing impaired unit must be consistent with Section I, G, 7 of this Manual. (Audiologist)

c. Physical or Other Health Impairment

The student exhibits a physical or health impairment to such an extent that it interferes significantly with his or her learning and/or requires adaptation of the physical plant. Under this definition are crippling impairments resulting from interference with the normal functions of the bones, joints, or muscles (orthopedically handicapped), or due to lack of complete development or injury to the central nervous system (neurologically impaired). (Physician)

d. Speech and/or Language Impairment

The student exhibits a disorder of oral communication exhibited in articulation, voice, rhythm, or verbal language to such a degree that it interferes with

self-expression or the ability to comprehend the student's speech, or causes the student to become maladjusted. For students who have speech or language impairments as their primary handicap, a complete battery of assessments is not required. A qualified speech-language therapist shall:

(1) evaluate each speech impaired child using procedures that are appropriate for the diagnosis and appraisal of speech and language disorders, and

(2) where necessary, make referrals for additional assessments needed to make an appropriate placement decision. 34 CFR 300.532, Comment.

e. Learning Disability

The student exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write or spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include students who have learning problems which are primarily the result of visual, hearing or motor handicaps, mental retardation, autism, emotional disturbance, or environmental, cultural or economic disadvantage. (Psychologist)

A multidisciplinary team may determine that a student has a learning disability if:

(1) The student does not achieve commensurate with his or her age and ability levels in one or more of the areas listed below in this section, when provided with learning experiences appropriate for the child's age and ability levels.

(2) The team finds that a student has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:

    (a) Oral expression
    (b) Listening comprehension
    (c) Written expression
    (d) Basic reading skill
    (e) Reading comprehension
    (f) Mathematics calculation
    (g) Mathematics reasoning

(3) The team may not identify a student as having a learning disability if the severe discrepancy between ability and achievement is primarily the result of:

(a) A visual, hearing or motor handicap
(b) Mental retardation
(c) Autism
(d) Emotional disturbance
(e) Environmental, cultural or economic disadvantage

f. Social or Emotional Maladjustment

The child exhibits behavior representative of conflict between self and environment repeatedly and over time to such an extent and duration that it significantly affects the learning process. Examples of such behavior may include:

(1) Acting out behavior such as unpredicted and unprovoked hitting, aggressive, and disruptive behaviors.

(2) Withdrawing behavior such as absence of speech, depression, impulsive and obsessive behaviors.

(3) Defensive behaviors such as compulsive eating, manipulation, or running away from home or school.

(4) Disorganized behaviors such as out-of-touch with reality, self-abusive behavior, lack of self control. (Psychologist and/or Psychiatrist)

g. Mental Retardation

Eligibility is based upon the American Association on Mental Deficiency (AAMD) definition: "Mental retardation refers to significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior, and manifested during the developmental period." All student assessment for level of retardation and educational placement must be considered in relation to the assessed functioning level, both in adaptive behavior and in the level of intellectual functioning. Certification of eligibility shall be determined both by an individual psychological evaluation of sub-average general intelligence and by adaptive behavior as defined by the AAMD. Examples are:

(1) Educable mentally handicapped. Students whose level of intellectual functioning is between 75 and 50 I.Q. points inclusive. Maturation and development up to age 5 may be described as: Limited or poor social awareness, fair motor development, ability to talk and communicate, need for greater self-help skills, manageable with moderate supervision. Training and

development from 6 to 21: Able to learn functional academic skills; unlikely to learn general high school subjects. (Psychologist)

(2) Trainable mentally handicapped. Students whose level of intellectual functioning is between 55 and 35 I.Q. points. Maturation and development from 0 to age 5: Speech is minimal, little or no communication skills, generally unable to perform independently. Training and development from 6 to 21: Can learn to talk and communicate, can learn elementary health habits, unlikely to learn functional academic skills, profits from systematic habit training. (Psychologist)

(3) Severely mentally handicapped. Students whose level of intellectual functioning is below 35 I.Q. points. Maturation and development from 0 to age 5: Gross retardation, minimal capacity for functioning in sensory-motor areas, needs nursing care. Training and development from 6 through 20, inclusive: Some motor development present, is unlikely to be trained in total self-care, socialization or economic usefulness, and needs continued help in taking care of personal needs. (Psychologist)

h. Autistic

Autistic students are those who have been determined by individual psychological or psychiatric examination to have the specific disability of autism. The behavioral manifestations of autism include some combination of the following: Inability to use language for appropriate communication, a history of inability to relate appropriately to other individuals and continued impairment in social interaction from infancy or early childhood, an obsession to maintain sameness, a preoccupation with objects and/or inappropriate use of objects, extreme resistance to controls, and/or exhibition of peculiar motoric mannerisms and motility patterns. (Psychologist/Psychiatrist)

i. Deaf/Blind

"Deaf/Blind" means concomitant hearing and visual impairment, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children or other handicapping conditions without specialized and unique intervention techniques indigenous to the dual impairments. Additional handicaps of a physical, mental, and emotional nature frequently accompany a deaf/blind impairment and require services related to the condition(s). (Audiologist and Ophthalmologist) *(iii) All handicapped children three through 20, inclusive, have available a free appropriate public education.*

See response to Item #3.

2. *Include a copy of each State law, court order, attorney general decision, and other State document which demonstrates that the State has established the required age range of three through 20, inclusive.*

See response to Item #3.

3. *If the three through 20, inclusive, age range is inconsistent with State law or practice, or the order of any court:*

(i) Describe in detail the exceptions to the three through 20, inclusive, age range.

State law as promulgated in Title 14 of the Delaware Code provides for the establishment of programs for handicapped children according to the following age groups and handicapping conditions:

Infancy to 20, inclusive - Hearing impaired, visually imapired, deaf-blind and autistic. Age 3 to 20, inclusive - Severely mentally handicapped, trainable mentally handicapped and orthopedically handicapped.

Age 4 to 20, inclusive - Any other person who requires special education services in order to develop his or her capabilities.

(ii) Documentation of the exceptions is included in the following State laws:

Title 14, Chapter 31, §3101(4) states: "Handicapped person" means a person in the chronological age group four through 20 years, inclusive, and a severely mentally handicapped, trainable mentally handicapped, orthopedically handicapped or autistic person in the chronological age group three through 20 years, inclusive, and any person as otherwise provided for in this Title, who because of mental, physical, emotional or learning disability problems as defined by the State Board of Education, requires special educational services in order to develop his or her capabilities.

Title 14, Chapter 17, §1703(k) states: In the case of children at the pre-kindergarten ages who are partially deaf or hard of hearing, programs of instruction may be prepared, according to rules and regulations of the State Board of Education as authorized in §203 of this Title, that will provide special education and training for these children and their parents. The minimum age described in §3101 of this Title shall not be applicable to children served under this section.

Title 14, Chapter 17, §1703(l) states: In the case of persons, infant through age 20 inclusive, who are deaf-blind, programs of instruction may be prepared, according to rules and regulations of the State Board of Education. Programs for children of the pre-kindergarten ages may include the parents of those children. The minimum age described in §3101 of this Title shall not be applicable to children served under this subsection.

Title 14, Chapter 17 §1703(m) states: In the case of persons, infant through age 20 inclusive, who are autistic, programs of instruction may be prepared, according to the rules and regulations of the State Board of Education as authorized in §203 of this Title, that will provide special education and training. Programs for the children of pre-kindergarten ages may include the parents of those children. The minimum age described in §3101 of this Title shall not be applicable to children served under this subsection.

4. ***Provide information to show that the State has in effect a policy which ensures that all handicapped children have the right to a free appropriate public education, including copies of State statute, court order, attorney general's opinion, or other State documents which show the source of the policy.***

Title 14, Chapter 31, Subchapter III, §3120 states: The State shall provide, in the school districts of the State, or in other State institutions and agencies or in special programs and private agencies as established or approved by the State Board of Education, that each handicapped person as defined in this chapter shall receive a free and appropriate public education designed to meet his or her needs. The State Board of Education shall be the agency responsible for the implementation of this required provision.

II. *Full Educational Opportunities Goal and Timelines, 612(2)(A).*

Policies and procedures show that the State has a Full Educational Opportunities Goal for all handicapped children birth through 21 established or reaffirmed.

Sections I.A.1. and 2. of the AMPEC state:

A. ACCESS TO SPECIAL EDUCATION AND RELATED SERVICES

1. FULL EDUCATIONAL OPPORTUNITY GOAL

All handicapped students shall receive a free, appropriate public education which emphasizes special education and related services designed to meet their unique needs. 34 CFR 300.123; 14 Del. C. §3120.

2. FREE, APPROPRIATE PUBLIC EDUCATION

The State shall provide in the school districts of the State, or in other State institutions and agencies, or in special programs and private agencies as established or approved by the State Board of Education, that each handicapped person as defined in Chapter 31 of the Delaware Code, Title 14, shall receive a free, appropriate public education designed to meet his or her needs. The State Board of Education shall be the agency responsible for the implementation of this required provision. 14 Del. C. §3120.

"Free appropriate public education" means special education that is specially designed instruction, including classroom instruction, physical education instruction, home instruction, and instruction in hospitals and institutions, and related services as defined by State Board of Education rules and regulations and as may be required to assist a handicapped person to benefit from an education that:

a. Is provided at public expense, under public supervision and direction, and without charge in the public school system;

b. Meets the standards of the State Board of Education as set forth in Title 14 of the Delaware Code or in the rules and regulations of the Board;

c. Includes elementary, secondary, or vocational education in the State; and

d. Is individualized to meet the unique needs of the handicapped person. 14 Del. C. §3101(2); 34 CFR 300.4.

Additionally, Sections I.F.10, 14, and 15 of the AMPEC state the following with respect to providing a Full Educational Opportunities Goal:

10. PARTICIPATION IN REGULAR EDUCATION/INTERACTION WITH NON-HANDICAPPED PEERS

a. Each district or other public agency shall ensure that, to the maximum extent appropriate, handicapped students, including students in public and private institutions or other care facilities, are educated with children who are not handicapped. 34 CFR 300.550(b)(1).

b. Each district or other public agency responsible for the education of handicapped students shall ensure that, in special classes, a separate educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. 34 CFR 300.550(b)(2).

14. NON-ACADEMIC AND EXTRACURRICULAR SERVICES

In providing or arranging for the provision of non-academic and extracurricular services and activities, including meals, recess periods, etc., each school district or any other public agency shall ensure that each handicapped student participates with non-handicapped students in those services and activities to the maximum extent appropriate to the needs of that student. 34 CFR 300.306(g).

15. SUPPLEMENTAL INSTRUCTIONAL SERVICES

A school district or any other public agency shall ensure that its handicapped students have available the same supplemental instructional services, including art, music, physical education, industrial arts, consumer and homemaking education, and vocational education, as are available to non-handicapped students. 34 CFR 300.306(b), 300.307(a).

Finally, Delaware's early childhood education intervention starts at birth for the visually impaired, the deaf/hard of hearing, the deaf/blind, and the autistic. The moderate, severe and profound mentally handicapped and the orthopedically handicapped receive services at 3 years of age and all other children who qualify for special education services are served at four years of age.

Delaware's Preschool Incentive Grant of EHA, Part B partially supports the Delaware Early Childhood Diagnostic and Intervention Center which provides evaluative, diagnostic, and intervention services for children 0-5 years of age, statewide. The Center is also partially supported by the State Plan Grant whose commission is to develop a Comprehensive Service Delivery System for handicapped children (0-5) and their families. Both of the above programs have been rescinded with the passage of PL 99-457.

Delaware plans to apply for both the 3-5 year old and the 0-2 year old grants under the reauthorization of the Education of the Handicapped Act. The Department of Public Instruction has been named the lead agency with the State Plan Grant Council being augmented to serve as the advisory council for the Handicapped Infants and Toddlers Program.

Even though Delaware does not have mandated programs for all handicapped children to birth, several interagency programs have been initiated to exhibit the efficacy of such programs. The Special Tots Assessment and Readiness Program (STAR) serves twelve (12) 0-2 year old handicapped children in Kent County and twelve (12) in Sussex County. These programs are located in the vocational school in each county with the anticipation that the child development students in the schools will benefit from a training experience with handicapped children.

The Infant-Toddler Intervention Program in Christina District, New Castle County, also serves twelve (12) 0-2 year old handicapped children through an interagency concept.

All three of these programs are using the home and center-based concept.

Referrals for the above programs are received through private physicians and agencies as well as public clinics and agencies. The Developmental Follow-up Committee in New Castle County and ARISE (At Risk Interagency Screening) Committees in Kent and Sussex Counties refer newborns who require an early intervention program. All three of these committees provide coordination, referral and direction of services for high risk children receiving and/or needing services from several agencies.

Delaware anticipates that State legislation mandating education for all handicapped children to birth will be passed within the next year. Plans to develop programs for all three year old handicapped children are now underway, and an application will be completed as soon as instructions are received from OSERS.

II. *Addendum*:

Policy on Priorities, 612(3).

This requirement that states establish priorities has been superceded by the requirement that, as of September 1, 1980, all handicapped children in a state have available to them a free appropriate public education.

Although no plan requirement exists for this item, the following is cited with respect to FAPE:

Title 14 of the Delaware Code, Chapter 31, Subchapter I, §3101(2) states: "Free appropriate public education" means special education that is specially designed instruction, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions, and related services as defined by State Board of Education rules and regulations and as may be required to assist a handicapped person to benefit from an education that:

a. Is provided at public expense, under public supervision and direction, and without charge in the public school system;

b. Meets the standards of the State Board of Education as set forth in this Title or in the rules and regulations of the Board;

c. Includes elementary, secondary, or vocational education in the State; and

d. Is individualized to meet the unique needs of the handicapped person.

Title 14, Chapter 31, Subchapter III, §3120 states: The State shall provide in the school districts of the State, or in other state institutions and agencies or in special programs and private agencies as established or approved by the State Board of Education, that each handicapped person as defined in this Chapter shall receive a free and appropriate education designed to meet his or her needs. The State Board of Education shall be the agency responsible for the implementation of this required provision.

III. *Child Identification, 612(2)(C).*

Section 612(2)(C) of PL 94-142 states that "All children residing in the state who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services."

1. *Describe policies and procedures to ensure identification, location and evaluation of all handicapped children. The description shall include:*

   (1) The name of the agency responsible for statewide coordination of planning and implementing the child identification effort.

   Statewide responsibility for the establishment, supervision and coordination of all services to handicapped children, including child identification, location and evaluation efforts, is assigned to the State Department of Public Instruction as an agent for the State Board of Education.

(ii) List other agencies participating in child identification.

Three major State agencies are responsible for participating in the child identification process, including the Department of Health and Social Services, the Department of Correction, and the Department of Public Instruction. In addition, a Statewide Diagnostic Center for youth between the ages of 12 and 21, located in New Castle County, is currently being implemented in the State of Delaware. Administered by the Department of Services for Children, Youth and Their Families, the Center accepts referrals from the Department of Public Instruction, local school districts, the Department of Health and Social Services, the Division of Juvenile Correction, and the Family Court. Possessing a multidisciplinary orientation, the Center has at its disposal the ability to assess children's biological/medical, developmental/psychological, and educational/intellectual needs.

(iii) Describe the nature and extent of participation.

The nature and extent of activities conducted by the Department of Health and Social Services include:

- Screening for speech and hearing problems for preschool children throughout the State.

- Responsibility for the ongoing evaluation of children in institutional programs.

- Screening of preschool children at "well baby" examinations conducted by the Division of Public Health at clinics throughout the State.

- The operation of a preschool diagnostic, developmental and educational nursery for moderate and severely handicapped children in Kent and Sussex Counties by the Division of Public Health in cooperation with the Department of Public Instruction.

- Responsibility for the statewide coordination of identification and evaluation efforts for visually impaired children ages birth to 21, inclusive, by the Division for the Visually Impaired through the Department of Health and Social Services. The Division operates a statewide program which includes itinerant teacher/consultant services and regional resource room programs which provide services for identified visually impaired children.

The Department of Services for Children, Youth and Their Families, is responsible for the identification of all handicapped children below the age of 18 assigned to correctional institutions in the State. The Department of Correction, with cooperating school districts, is responsible for the identificaton of all handicapped students between 18 and 20 years of age assigned to correctional institutions in the State. The same policies and procedures utilized by LEAs in the IPRD process are applied.

The Statewide Youth Diagnostic Center identifies and evaluates children between the ages of 12 and 21, inclusive, referrals being accepted from the Department of Public Instruction, local school districts, the Department of Health and Social Services, the Division of Services for Children, Youth and their Families, and the Family Court. As a result of evaluation and diagnosis, program and treatment plans are developed with the cooperation of the referring agency.

(iv) Indicate each type of activity to be carried out during the period of the plan, including the role of the coordinating agency timelines, resources and expected outcomes.

FY '88 - FY '90 PROPOSED IDENTIFICATION, LOCATION AND EVALUATION ACTIVITIES

ACTIVITY	AGENCY	ROLE	TIMELINE	RESOURCES	EXPECTED OUTCOMES
1. To coordinate LEA Part B application process from initial submission through SBE approval to point of implementation and institutionalization.	1. SEA	1.1. Disseminate Childfind applications. 1.2 Review project applications in coordination with the Federal Appropriations Review Committee. 1.3 Submit project application to the SBE for approval. 1.4 Coordinate the transfer of PL 94-142 funds to the LEAs. 1.5 Audit, monitor and evaluate approved projects. 1.6 Provide technical assistance as needed	1.1 February of FY'88-FY '90. 1.2 Spring of FY'88-FY'90 1.3 July of FY'88-FY '90. 1.4 August of FY '88-FY '90. 1.5 Ongoing FY'88-FY'90. 1.6 Ongoing FY'88-FY'90.	1.1 PL 94-142 1.2 PL 94-142 1.3 PL 94-142 1.4 PL 94-142 1.5 PL 94-142 1.6 PL 94-142	1. To develop with LEAs, project proposals which appropriately address Childfind activities, including location, evaluation and identification.
2. To prepare Part B applications for SBE approval, and to implement project goals and activities appropriate to the Childfind process.	2. LEA	2.1 Prepare Childfind project applicaitons. 2.2 Submit applications for review and approval by the Federal Appropriations Review Committee and the SBE.	2.1 February - March FY'88-FY'90. 2.2 Spring of FY'88-FY'90.	2.1 PL 94-142 State Local 2.2 PL 94-142	2. To develop and implement Childfind activities, including location, evaluation and identification of unserved and underserved handicapped children.

FY '88 - FY '90 PROPOSED IDENTIFICATION, LOCATION AND EVALUATION ACTIVITIES

ACTIVITY	AGENCY	ROLE	TIMELINE	RESOURCES	EXPECTED OUTCOMES
		2.3 To implement approved project activities.	2.3 September FY'88-FY'90.	2.3 PL 94-142 State Local	
		2.4 To provide reports as requested by the SEA.	2.4 As required FY'88-FY'90.	2.4 PL 94-142 State Local	
		2.5 To seek technical assistance from the SEA as required.	2.5 As required FY'88-FY'90.	2.5 PL 94-142	
3. To conduct a public media awareness campaign relative to Childfind procedures.	3. SEA and LEAs	3.1 To prepare and disseminate printed material.	3.1 Ongoing FY'88-FY'90.	3.1 PL 94-142	3. Greater public awareness of Childfind efforts and procedures as conducted in the State.
		3.2 To utilize other media sources to advertise Childfind activities, including newspaper, radio and television.			
4. To conduct screening activities for preschool children.	4. LEAs and Division of Public Health	4. To screen the preschool population for the purpose of locating, evaluating and identifying handicapped children.	4. Spring-Summer FY'88-FY'90.	4. PL 94-142 State Local	4. Approximately 15,000 preschool children will be screened during the three-year span of the project. Of these, approximately 750 will be identified as handicapped.

FY '88 - FY '90 PROPOSED IDENTIFICATION, LOCATION AND EVALUATION ACTIVITIES

ACTIVITY	AGENCY	ROLE	TIMELINE	RESOURCES	EXPECTED OUTCOMES
5. To continue ongoing screening activities for referrals made regarding the school-age population.	5. LEAs	5. To implement and monitor the in-school screening program.	5. Ongoing FY'88-FY'90.	5. PL 94-142 State Local	5. During the three year project period, approximately 54,000 students will be screened for vision, hearing or orthopedic handicaps. An additional 14,000 students, currently diagnosed as handicapped, will be reviewed at least annually on a case-by-case basis.
6. To continue screening and identification of handicapped children within institutions.	6. Department of Health and Social Services. Dept. of Services for Children, Youth & Families Dept. of Correction.	6. To screen, evaluate and identify handicapped children who are institutionalized.	6. Ongoing FY'88-FY'90.	6. PL 94-142 PL 89-313 State	6. Children residing in institutions will be screened for possible handicapping conditions, and will be identified as evaluative data indicates.

3. *Describe the methods used to determine which children are and are not receiving special education and related services.*

On or before December first of each project year, local school districts submit to the Department of Public Instruction an Annual Data Report. Information provided includes number of children who received special education and related services by age classification, by level on the State Continuum of Services, and by handicapping condition. Also included in the Report is the number of children additionally requiring placement. Data from each LEA are compiled and reported to the United States Department of Education by February first of each year on OMB Form 3006-0466. Other procedures used to determine which children are and are not receiving special education and related services include the September 30th Special Education Unit Audit, Comprehensive Compliance Monitoring/On-Site visits, and Project Evalution Visits. Members of the Governor's Advisory Council for Exceptional Citizens often accompany Department of Public Instruction staff on Monitoring/On-Sites, and are always invited to participate as observers during project evaluation visits.

4. *Indicate that Child Identification procedures have been implemented statewide.*

Child Identification procedures are implemented statewide as a part of the State Board of Education's responsibility for the establishment, supervision and coordination of programs and services essential to all exceptional children. The Department of Public

Instruction, as a vehicle of the State Board of Education, will continue to ensure, through LEA Operational Plans and EHA(B) approved projects, that Child Identification is occurring in each district of the State on a continuing basis.

Documentation as to the statewide implementation of Child Identification procedures is found in Section I.B.1. of the AMPEC, and reads as follows:

1. IDENTIFICATION AND REPORTING

Each school district and any other public agency responsible for the education of handicapped students shall identify, locate, and evaluate or reevaluate any handicapped person residing within the confines of that district or other public agency in accordance with the procedures specified in this Manual.

a. The district or other public agency shall maintain and report, upon request, to the Department of Public Instruction, information concerning the time and method of the evaluation or re-evaluation of each handicapped person and shall indicate the training, education, or related services he or she is receiving and the location of that training, education or related service.

b. The information maintained shall further indicate any instance in which a handicapped person is not receiving training, education, or related services and the reason for that situation. 14 Del. C. §3122; 34 CFR 300.121.

IV. *Individualized Education Programs. 612(4).*

1. *The State Plan shall include information which shows that each public agency in the state maintains records of IEPs for each handicapped child and establishes, reviews, and revises each program.*

Information concerning standards and policies relative to establishing, maintaining, reviewing and revising IEPs for each handicapped child can be found in Section I.D. of the Administrative Manual under the heading "Individualized Education Program (IEP)."

2. *The Plan shall include information which shows that each public agency develops, implements, reviews and revises an IEP for each handicapped child.*

Section I.D.1. of the AMPEC states that:

1. IEP REQUIRED

Each school district or other public agency responsible for the education of handicapped students shall ensure that each handicapped student receiving special education from that agency has an Individualized Education Program (IEP) that is in effect and current for the school year and program placement.

a. An IEP shall be developed prior to assignment and within thirty (30) calendar days following the determination that a student is eligible for special education and related services.

b. An IEP shall be in effect prior to the provision of special education and related services to a student. 34 CFR 300.342

3. Information shall be included which shows that the SEA ensures that:

a. Each public agency develops and implements IEPs for each handicapped child.

The SEA ensures that each public agency develops and implements IEPs for each handicapped child by reviewing the records of handicapped children during September 30th Special Education Unit Audits, Comprehensive Compliance Monitoring/On-Site visits, and EHA(B) project evaluation visits.

IEPs are developed and implemented for children who:

(i) Are placed in or referred to a private school or facility by a public agency.

(ii) Are enrolled in a private school and receiving special education or related services from a public agency.

Sections I.B.11.a.(1) and (2) of the AMPEC states that:

11. IEP AND PRIVATE SCHOOL PLACEMENT

a. Developing Individualized Education Programs

(1) Before a school district or other public agency places a handicapped student in, or refers a student to a private school or facility, the district or agency

shall initiate and conduct a meeting to develop an IEP for the student in accordance with provisions of this Subsection.

(2) The school district or other agency shall ensure that a representative of the private school facility attends the meeting. If the representative cannot attend, the district or agency shall use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.

b. *IEPs are in effect at the beginning of each school year.*

AMPEC, Section I.H.1.a. indicates:

1. ANNUAL REVIEW AND REVISION OF IEP

   a. At least annually each school district or other public agency shall initiate and conduct meetings to review each handicapped student's IEP and, if appropriate, revise its provisions. Meetings may be held at any time throughout the school year provided IEPs are in effect at the beginning of, and throughout, the school year. 34 CFR 300.343(d).

c. *IEPs are in effect before special education and related services are provided to a child.*

AMPEC, Section I.D.1.b. states:

1. IEP REQUIRED

   b. An IEP shall be in effect prior to the provision of special education and related services to a student. 34 CFR 300.342.

d. *IEPs are implemented as soon as possible following the IEP meetings.*

In the process of conducting September 30th Special Education Unit Audits, Comprehensive Compliance Monitoring/On-Site visits and EHA(B) Project Evaluation visits, Department of Public Instruction staff examine student records, including IEPs. One of the many components reviewed is that of comparing dates of IEP meetings to dates for initiation of services. Should any unreasonable delay in delivery of special education services be detected, such information is included in formal reports to the Chief School Officers of the LEA involved.

e. Each public agency is responsible for initiating and conducting meetings to develop, review and revise a child's IEP.

AMPEC, Section I.D.3. states:

3. RESPONSIBILITY FOR IEP MEETINGS

Each school district or other public agency is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising a handicapped student's individualized education program. 34 CFR 300.343.

f. Meetings are held within 30 calendar days of determination that a child needs special educaion and related services.

Section I.D.1.a. of the AMPEC states:

1. IEP REQUIRED

   a. An IEP shall be developed prior to assignment and within thirty (30) calendar days following the determination that a student is eligible for special education and related services.

g. A meeting to review and/or revise each IEP is held at least once each year.

This component is addressed in Section I.H.1.a. of the AMPEC, which states:

1. ANNUAL REVIEW AND REVISION OF IEP

   a. At least annually each school district or other public agency shall initiate and conduct meetings to review each handicapped student's IEP and, if appropriate, revise its provisions. Meetings may be held at any time throughout the school year provided IEPs are in effect at the beginning of, and throughout, the school year. 34 CFR 300.343(d).

h. IEP meetings include:

(i) A representative of the public agency other than the child's teacher, qualified to provide, or supervise the provision of special education.

(ii) The child's teacher.

(iii) One or both of the child's parents.

(iv) The child (when appropriate).

(v) Other individuals at the discretion of the parent or agency.

(vi) For a child evaluated for the first time:

a. A member of the evaluation team, or

b. A representative of the agency, the teacher, or some other person knowledgeable about the evaluation procedures used and the results.

Section I.D.4. of the AMPEC includes the following provisions:

4. PARTICIPANTS IN IEP MEETINGS

Each school district or other public agency shall ensure that each IEP meeting includes the following participants:

a. a representative of the school district or other public agency, other than the student's teacher, who is qualified to provide or supervise the provision of special education;

b. the student's current teacher;

c. one or both of the student's parents or guardians;

d. the student, when appropriate;

e. other individuals at the discretion of the parent or the school district or other public agency; and

f. for the handicapped student who has been evaluated for the first time, the school district or other public agency shall ensure:

(1) that a member of the evaluation team participate in the meeting; or

(2) that a representative of the school district or other public agency, the student's regular classroom teacher, or some other person is present at the meeting, who is knowledgeable about the evaluation procedures used with the student and is familiar with the results of the evaluation.

34 CFR 300.344

1. Parents are present or have the opportunity to participate in each IEP meeting. Information shall be included to show:

(i) Notification is early enough to ensure an opportunity to attend.

(ii) The meeting is scheduled at a mutually agreed upon time and place.

(iii) The notice indicates the purpose, time and location of the meeting and who will attend.

(iv) Alternative methods, including telephone calls are used to ensure parent participation when parents cannot attend.

(v) If parents cannot attend, records are kept of attempts to arrange mutually agreeable time and place, including records of telephone calls, correspondence and visits.

(vi) Action is taken to ensure parents understanding the meeting (interpreters, native language).

(vii) Parents receive a copy of the IEP upon request.

Section I.D.6. of the AMPEC states:

6. PARENT PARTICIPATION

a. Each school district or other public agency shall take steps to ensure that one or both of the student's parents, guardians, surrogate parents, or persons acting in loco parentis are present at each meeting or are afforded the opportunity to participate by:

   (1) notifying parents of the meeting no less than ten (10) working days prior to the meeting (unless mutually agreed otherwise) to ensure that they have the opportunity to attend; and

   (2) scheduling the meetings at a mutually agreed upon time and place.

b. A written notice to the parent must indicate the purpose, time, and location of the meeting and who will be in attendance.

c. If neither parent can attend, the school district or other public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.

d. A meeting may be conducted without a parent in attendance if the school district or other public agency is unable to obtain the attendance of the parents. In this case, the district or agency shall maintain a record of its attempts to arrange a mutually agreed on time and place. Documentation records shall include such items as:

   (1) detailed record of telephone calls made or attempted, and the results of those calls;

   (2) copies of correspondence sent to the parents and any responses received; and

   (3) detailed records of visits made to the parent's home or place of employment, and the results of those visits.

e. In the event that parents of a handicapped student cannot be located or are otherwise unavailable, a surrogate parent shall be appointed in accordance with Subpart J of this Manual.

f. The school district or other public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

g. On request, the school district or other public agency shall give a copy of the student's IEP to the parent.
34 CFR 300.345

j. IEPs must include a statement of:

(i) The child's present levels of educational performance.

(ii) Annual goals.

(iii) Short-term instructional objectives.

(iv) Specific special education and related services to be provided.

(v) The extent to which the child will participate in regular education programs.

(vi) Projected date of initiation of services.

(vii) Objective criteria, evaluation procedures, and schedules for determining, at least on an annual basis, if short-term objectives are achieved.

The AMPEC, Section I.D.2. presents the following:

2. CONTENT OF IEP

Each handicapped student shall have a single IEP which shall include written statements of:

a. the student's present level of educational performance;

b. annual goals, including short-term instructional objectives;

c. specific special education and related services to be provided to the student, including physical educaion and vocational education, which are specially designed to meet the unique needs of a handicapped student;

d. the extent to which the student will be able to participate in regular education programs;

e. the projected dates for initiation of services and the anticipated duration of the services;

f. appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved. 34 CFR 300.346;

g. whether or not it is necessary to place the student who is transported from school by bus into the charge of a parent or other authorized responsible person, (Supplement to: School Bus Drivers' Handbook, p. 59, Section 6, Paragraph III F, December 19, 1985);

h. documentation of consideration of Least Restrictive Environment (LRE) requirements;

i. where applicable, a vocational/transitional component as specified in Section 8 of this Subpart and Section 20 of Subpart F; and

j. disciplinary procedures or limitations, as appropriate.

k. The public agency will:

(i) Initiate and conduct an IEP meeting before referring a child to or placing a child in a private school or facility, and

(ii) Ensure the attendance or participation in the meeting of a representative of the private school or facility.

Section I.D.11.a.(1) and I.D.11. a.(2) of the AMPEC states:

11. IEP AND PRIVATE SCHOOL PLACEMENT

a. Developing Individualized Education Programs

(1) Before a school district or other public agency places a handicapped student in, or refers a student to a private school or facility, the district or agency shall initiate and conduct a meeting to develop an IEP for the student in accordance with provisions of this Subsection.

(2) The school district or other agency shall ensure that a representative of the private school

facility attends the meeting. If the representative cannot attend, the district or agency shall use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.

1. *After the child is placed in the private school:*

   (i) Meetings to review and revise the child's IEP may be conducted by the private school.

   (ii) Parents and an agency representative must be involved in any decision about the IEP, and agree to any proposed changes before those changes are implemented.

   (iii) Responsibility for compliance remains with the public agency and the State Educational Agency.

These items are addressed in Sections I.D.11.b.(1), I.D.11.b(2), and I.D.11.c. of the AMPEC, as follows:

b. Reviewing and Revising Individualized Educaton Programs

   (1) After a handicapped student enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district or other public agency.

   (2) If the private school or facility initiates and conducts these meetings, the school district or other public agency shall ensure that the parents and a school district or an agency representative:

      (a) are involved in any decision about the student's IEP; and

      (b) agree to any proposed changes in the program before those changes are implemented.

c. Responsibility

If a private school or facility implements a student's IEP, responsibility for compliance with this part remains with the school district or other public agency responsible for the education of the handicapped student and the Department of Public Instruction. 34 CFR 300.347.

m. For a handicapped child enrolled in a private or parochial school, the public agency shall: (if the child receives services from a public agency)

(i) Initiate and conduct meetings to develop, review and revise an IEP for the child, and

(ii) Ensure participation of private school representatives in these meetings.

Sections I.D.10.a. and b. of the AMPEC state:

10. IEP AND PRIVATE/PAROCHIAL SCHOOLS

If a handicapped student is enrolled in a parochial or other private school and receives special educaton or related services from a school district or other public agency, the school district or public agency shall:

a. Initiate and conduct meetings to develop, review, and revise an IEP for the student in accordance with provisions of this Subsection; and

b. Ensure that a representative of the parochial or other private school attends each meeting. If the representative cannot attend, the agency shall use other methods to ensure participation by the private school, including individual or conference telephone calls. 34 CFR 300.348.

Each applicant for EHA(B) funds is required to include in their Plan/Application a description of how the applicant will meet federal requirements for participation of students enrolled in private schools. The Application is subject to the review and approval of Department of Public Instruction staff, the Federal Review Committee, and the State Board of Education.

V. *Procedural Safeguards, 612(5)(A), 615, and 617.*

1. *The Plan shall include procedural safeguards which ensure that the requirements in 300.500-300.514 are met and implemented by each public agency.*

   Information concerning procedural safeguards may be found in Section I.C.9 ad Section I.K.1. through I.K.12. of the AMPEC.

2. *Procedures for the provision of an independent educational evaluation include:*

   a. *Each public agency shall provide to parents on request, information about where an independent evaluation may be obtained.*

   b. *Parents have the right to an independent evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency.*

   c. *Hearing rights for the agency to show its evaluation is appropriate.*

   d. *An independent evaluation obtained at private expense:*

      (1) Must be considered with respect to the provision of FAPE, and

(iii) May be presented as evidence at a hearing.

e. Provided at public expense if requested by a hearing officer, and

f. Meets the same criteria used by the public agency when it initiates an evaluation.

Responses to items VI.2.a. through VI.2.f. are promulgated in Section I.E.9.a through I.E.9.e. of the AMPSI, appearing as follows:

9. INDEPENDENT EDUCATIONAL EVALUATION

The parents of a handicapped student have the right to obtain an independent educational evaluation of the student.

a. Each school district or other public agency shall provide to parents, on request, information about where a public or private independent educational evaluation may be obtained.

b. A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the district or any other public agency. However, the school district or any other public agency may initiate a hearing under Subpart E of Part I of this Manual to show that the district evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent retains the right to an independent educational evaluation, but not at public expense.

(1) "Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the district or any other public agency responsible for the education of the student in question.

(2) "Public expense" means that the district or any other public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

c. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

(1) must be considered by the district or any other public agency in any decision made with respect to the provision of a free, appropriate public education to the student.

(2) may be presented as evidence at a hearing regarding that student.

d. If a Due Process Hearing Panel convened pursuant to Subpart E, Sections 5 through 11, of Part I of this Manual, requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

e. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the district or any other public agency uses when it initiates an evaluation.

34 CFR 300.503

3. Written notice is given to parents a reasonable time before:

a. The public agency proposes to initiate or change the identification, evaluation, or educational placement of a child or provision of FAPE to the child, or

b. Refuses to take such action.

4. The prior notice sent to parents must provide:

a. Description of action proposed or refused by the agency, explanation of why the agency proposes or refuses to take action, and a description of options the agency considered and reasons for rejections of the options.

b. *Description of each evaluation procedure, test, record, or report on which action is based.*

c. *A full explanation of all procedural safeguards available under Subpart E.*

d. *Description of any other factors relevant to the action.*

e. *Notice written in language understandable to the general public.*

f. *Notice provided in parent's native language or other mode of communication (unless not clearly feasible).*

g. *If native language or other mode of communication is not written, the agency takes steps to ensure that:*

  (i) *Translation of notice is in native language or mode of communication, and*

  (ii) *Parent understands the notice and there is written evidence that the requirement of this section has been met.*

State Plan sections VI.3. and VI.4. are addressed in [illegible], Section I.B.4., appearing as follows:

4. WRITTEN NOTICE

   a. Requirements

written notice must be given to the parents of a handicapped child no more than ten (10) working days after the public agency:

(1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child, or

(2) Declines to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child.

34 CFR 300.504(a)

b. Content of Notice

(1) The notice shall include:

(a) A full explanation of all of the procedural safeguards available to the parents under Subpart E;

(b) A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected;

(c) A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the agency's proposal or refusal.

(2) The notice must be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent is not a written language, the State or local educational agency shall take steps to ensure:

(a) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

(b) That the parent understands the content of the notice; and

(c) That there is written evidence that the requirements in paragraphs (3) (a) and (b) of this section have been met.

34 CFR 300.505

5. ***Parental consent is obtained before:***

a. ***Preplacement evaluation.***

b. ***Initial placement into a program.***

c. ***Except for a. and b. above, consent is not required as a condition of any benefit to the parent or child.***

State Plan Section V.1.5. is addressed in the AMPEC, Section I.C.1. appearing as follows:

1. INFORMED PARENTAL CONSENT

Parental consent shall be obtained before conducting a preplacement evaluation. 34 CFR 300.504(b)(1).

State Plan Section VI.5.b. is addressed in the Administrative Manual Section I.F.6, appearing as follows:

6. INFORMED PARENTAL CONSENT

Informed parental consent shall be obtained in writing before initial placement of a handicapped child in a program providing special education and related services. 34 CFR 300.504(b)(1).

6. ***If the parent refuses consent:***

a. ***State procedures given the public agency to override the refusal. If no procedures exist, hearing procedures may be***

used to determine if a child can be evaluated or initially placed.

b. ***The agency may act without parental consent if a hearing officer upholds the agency subject to parents' rights.***

State Plan Section VI.6.a. and b. are addressed in the AMPEC, Section I.K.4.c.

c. Consent Refused

A parent's refusal of consent for initial individual student evaluation or initial placement may be appealed by the district or any other public agency utilizing the hearing procedures found in Sections 5 through 11 of this Subpart. If the hearing panel upholds the district or any other public agency, the agency may evaluate or initially provide special education and related services to the student without the parent's consent, subject to the parent's right to a civil action. 34 CFR 300.504.

7. ***Policy includes a statement that SEAs and LEAs maintaining records will provide parents with the opportunity to examine all education records regarding:***

a. ***Identification, evaluation, and educational placement of the child.***

b. ***Provision of FAPE to the child.***

Policy statements concerning State Plan item VI.7. is contained in the AMPEC, Section I.L.1., and reads as follows:

1. ACCESS RIGHTS

   a. Each school district or other public agency shall permit parents to inspect and review any education and related records pertaining to their children which are collected, maintained, or used by the agency under this part. The school district or other public agency shall comply with a request without unnecessary delay and before any meeting regarding an Individualized Education Program or hearing relating to the identification, evaluation, or placement of the student, and in no case more than 45 days after the request has been made. (See Subpart K, §2, Opportunity to Examine Records and Educational Program.)

   b. The right to inspect and review education records under this section includes:

      (1) the right to a response from the school district or other public agency to reasonable requests for explanations and interpretations of the records;

      (2) the right to request that the school district or other public agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

      (3) the right to have a representative of the parent inspect and review the records.

   c. A school district or other public agency may presume that the parent has authority to inspect and review records relating to his or her child unless the school district or other public agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce. 34 CFR 300.562; 20 U.S.C. 1412(2)(D), 1417(c).

8. The procedures implemented for impartial due process hearings ensure:

a. Parents or a public education agency may initiate a hearing on matters covered in Item 3.

b. The SEA or public education agency responsible for the child's education conducts the hearing.

c. Parents are informed of free or low cost legal services and other relevant services if the parents request information or if a hearing is initiated.

d. The hearing officer is not:

  (i) Employed by the agency involved with the care or education of the child.

  (ii) Personally or professionally involved which would conflict with objectivity.

  (iii) A school board official; and

e. The public agency keeps a list of hearing officers and their qualifications.

f. Any party to a hearing has a right to:

  (i) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children.

(ii) Present evidence and confront, cross-examine and compel attendance of witnesses.

(iii) Prohibit evidence not disclosed 5 days before the hearing.

(iv) Obtain written or electronic verbatim record of the hearing.

(v) Obtain written findings of fact and decisions and send findings to the State Advisory Panel.

g. Parents have the right to have the child present and to open the hearing to the public.

h. Hearings conducted under this part are final unless they are appealed. Hearings conducted by a public agency can be appealed to the SEA.

i. The hearing officer conducting the review:

(i) Examines the entire hearing record.

(ii) Ensures the hearing was consistent with due process procedures.

(iii) Seeks additional evidence, if needed.

(iv) Gives parties involved an opportunity for written or oral agreement or both.

(v) Makes an independent decision on completing the review.

(vi) Gives the parties a written copy of the finding and the decision, and

(vii) The decision made by the reviewing official is final unless a party brings a civil action.

j. Any party who does not have the right to appeal or is aggrieved by the decision of the review can bring civil action.

k. The SEA ensures that:

(i) A final decision is reached not later than 45 days after the request for a hearing is received (Exception: The Hearing Officer may grant an extension) and a copy of the decision is mailed to the parties.

(ii) A final decision is made on a request for a review 30 days after receipt of a request (Exception: A Hearing Officer may grant an extension) and a copy of the decision is mailed to each party, and *(iii) Hearings and reviews involving oral agreements are conducted at a time and place reasonably convenient to the parties and child.*

l. Policy regarding pendancy during proceedings provides:

(i) Unless otherwise agreed upon by the parents and the SEA or LEA, a child must remain in present placement until completion of proceedings.

(ii) If hearing involves initial admission to a public school, the child must be placed in the public school program until completion of proceedings, with the consent of the parent.

Sections I.K.5 through I.K.12. of the AMPEC apply to component VI.8.a. through VI.8.e. of the State Plan and contain the following:

5. DUE PROCESS PROCEDURES

a. Initiation of Hearing Procedures

A request for a Due Process Hearing shall be made in writing to the State Superintendent of Public Instruction. The request must be made no later than 30 days following the date on which the final disputed decision regarding either a student's identification, evaluation, or educational placement or the provision to a student of a free, appropriate public education was made known in writing to all parties. 34 CFR 300.504; 300.506.

b. Legal Services

The State Superintendent's response to the request for a hearing shall include a statement that information regarding free or low-cost legal services is available. 14 Del. C. § 3135; 34 CFR 300.506(c).

c. Constitution of the Due Process Hearing Panel

(1) The State Superintendent of Public Instruction shall appoint an impartial hearing panel comprised of:

(a) one attorney, admitted to practice in the State;

(b) one educator who is, or has been, fully certified in the area of special education as a director, supervisor, principal or teacher, or who has been a post-secondary educator in the area of programs for handicapped students; and

(c) a layperson with demonstrated interest in the education of the handicapped included on an approved list compiled by the Governor's Advisory Council for Exceptional Citizens and submitted to the State Superintendent of Public Instruction.

(2) The attorney member shall act as chairperson for the panel, shall preside at all hearings, and shall write the final decision of the Due Process Hearing Panel. Any decision must be concurred in by two members of the Due Process Hearing Panel. In those cases where the chairperson holds a minority opinion, the educator member shall write the decision. Any member holding a minority opinion may write a separate report, which shall be attached to the decision.

(3) A Due Process Hearing Panel member:

(a) shall have taken part in training provided to familiarize him/her with State and federal laws and regulations, due process procedures regarding the education of handicapped students, and procedures relative to the conduct of a hearing;

(b) shall not be an employee of the district or any other public agency which is involved in the education or care of the student (except that a person who otherwise qualifies as a hearing panel member is not an employee of the agency solely because he or she is paid by the agency to serve in that capacity), 34 CFR 300.507(a)(1); and

(c) shall not be a person having a personal or professional interest which would conflict with his or her objectivity in the hearing. 34 CFR 300.507(a)(2).

14 Del. C. §3137.

6. REGISTRY OF DUE PROCESS HEARING PANEL MEMBERS

The State Director, Exceptional Children/Special Programs

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Division, Department of Public Instruction, shall keep a list of persons who may serve as Due Process Hearing Panel members. The list must include a statement of the qualifications of each of those persons. Panel members shall be appointed on a rotating basis. 34 CFR 300.507(c).

7. HEARING RIGHTS

a. The hearing panel shall ensure that parents who have requested a hearing have been advised of their procedural rights.

b. The hearing shall be scheduled by the chairperson of the Due Process Hearing Panel and shall be conducted at a time and place which is reasonably convenient to the parties involved.

c. Any party to a hearing has the right to:

(1) be accompanied and advised by counsel or by individuals with special knowledge or training with respect to the problems of handicapped students;

(2) present evidence, confront, cross-examine and compel the attendance of witnesses;

(3) prohibit the introduction at the hearing of:

(a) any evidence that has not been disclosed to the parties at least 5 calendar days before the hearing;

(b) testimony of any witness whose identity has not been disclosed to the parties at least 5 calendar days before the hearing. 34 CFR 300.507(a);

(4) obtain a written or electronic verbatim record of the hearing at public expense. 14 Del. C. § 3131.

(5) receive a written decision which includes the following parts:

(a) statement of issues;

(b) summary of the proceedings;

(c) summary of evidence;

(d) findings of facts;

(e) conclusions of law; and

(f) summary of the issues on which the parties have prevailed.

d. Parents involved in a hearing have the right to:

   (1) have the student who is the subject of the hearing present, and

   (2) open the hearing to the public. 34 CFR 300.508(b).

e. The district shall inform the parent of any free or low-cost legal and other relevant services available in the area if:

   (1) the parent requests the information; and

   (2) the parent or the district initiates a hearing under Sections 5 through 11 of this subpart. 34 CFR 300.506.

f. Any testimony presented at a hearing authorized by this section shall be under oath of affirmation.

8. ISSUANCE OF SUBPOENAS

a. Authority to issue subpoenas is conferred upon the State Superintendent of Public Instruction, or his designee, in order to implement the hearing process.

   (1) Upon application of any party, at least twelve days prior to hearing, a subpoena shall be issued, requiring the attendance of the person or persons listed in the application.

   (2) If a person subpoenaed to attend a hearing fails to obey without reasonable cause, or if such a person in attendance refuses, without lawful excuse, to be examined or to answer pertinent questions, an application may be filed with the Family Court for a rule to show cause why such person should not appear or testify. Upon return of the rule, the Court shall examine such person under oath, and if the Court shall determine, after giving such person an opportunity to be heard, that he refuses without legal excuse to attend or testify at the hearing despite the subpoena, the Court may order such person to comply therewith. Any failure to obey the order may be punished as a contempt of the Family Court, pursuant to the Rules of the Family Court.

9. DECISION OF THE DUE PROCESS HEARING PANEL

a. The Due Process Hearing Panel shall reach a final decision, recording of the vote of each panelist, and shall send a copy via certified mail, return receipt requested, to each of the parties or their representatives within 45 calendar days of the receipt of the request for the hearing by the State Superintendent. The Chairperson of the Due Process Hearing Panel shall forward a copy of its final decision to the State

Director, Exceptional Children/Special Programs Division, Department of Public Instruction, who shall, after deleting any personally identifiable information, forward the decision to the Chairperson of the Governor's Advisory Council for Exceptional Citizens. 14 Del. C. § 3139.

b. The Chairperson of the Due Process Hearing Panel shall establish a timeline for the hearing process. The Due Process Hearing Panel, for good cause, may grant specific extensions of time beyond the 45 day limit at the request of either party; provided, however, that a final decision shall be reached and a copy of the decision mailed to each of the parties within fifteen days of the date for the hearing, or where applicable, within fifteen days of the completion of post-hearing argument.

c. The burden of proof and persuasion in any proceeding convened hereunder shall be on the district or State agency which is a party to the proceedings. 14 Del. C. § 3140.

10. FINALITY OF DECISION AND APPEAL

a. A decision made by a Due Process Hearing Panel is final, subject to appeal set out in Subsections b and c.

b. Any party aggrieved by the decision of the Due Process Hearing Panel may file a civil action in the Family Court or Federal Court. Such proceedings shall be initiated by the filing of a complaint within thirty days of the date of the decision.

c. In any action brought under this section, the Court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and basing its decision on the preponderance of the evidence, shall grant such relief as the Court determines appropriate.

d. On receiving the certification of the Court on appeal, the State Superintendent of Public Instruction, or his designee, shall certify and file with the Court the record of the administrative hearing, which shall include all documents submitted, a transcript of all testimony, and the decision of the hearing panel. 14 Del. C. §§ 3141, 3142.

11. ATTORNEY'S FEES

a. Reserved

12. STUDENT'S STATUS DURING PROCEEDINGS

a. During the pendency of any administrative or judicial proceeding regarding a complaint, unless the district or any other public agency responsible for the education of the student and the parents of the student agree otherwise, the student involved in the complaint shall remain in his or her present educational placement.

b. If the complaint involves an application for initial admission to public school, the student, with the consent of the parents, shall be placed in the public school program until the completion of all the proceedings. 14 Del. C. §3140; 34 CFR 300.513.

c. The district or public agency responsible for the education of the student is not precluded from using its normal procedures for dealing with students who are endangering themselves or others or who are so disruptive that their behavior substantially interferes with the right of other students in the class to learn.

NOTE: In response to recommendations made by the Governor's Advisory Council for Exceptional Citizens (GACEC) the Department has adopted the following timelines to improve the efficiency and effectiveness of due process procedures within the Department.

a. Record Keeping and Hearing Panelists --

The Department is arranging to obtain computers and the necessary software to handle due process record keeping. This will substantially facilitate documentation and help ensure accuracy. This is targeted for completion by September 1, 1987.

b. Communicating Due Process Rights to Parents --

Routine provision of this information is required by the AMRS (subparagraph 2.8.4.b (1)(a); Paragraph 2.8.5.e (1); Subsection 2.8.3.c.1). Comprehensive Compliance Monitoring of each district is to be completed by June 30, 1988. Specific allegations of failure to provide such information shall be investigated upon receipt of such notification. A sample letter of due process information was to be forwarded to districts by April 30, 1987. A revised target date for completion is May 30, 1987. This letter will reflect most recent comments made by DSCP.

c. Mediation --

The development of a mediation procedure as recommended by the GACEC requires considerable thought and planning. Information from other states is currently being collected. It is anticipated that a decision regarding the adoption of a mediation procedure will be made on or about September 1, 1987. If the determination is made to adopt mediation as a due process procedure, a model shall be identified in time for recommendation for inclusion in the first annual revision of the AMRS, on or about January 30, 1988. A task force has been identified to examine this recommendation.

6. Follow-up --

Follow-up to due process hearings to assure implementation of corrective measures is reasonable, prudent and implicitly required of the Department to assure FAPE. This is an element to be incorporated in the administrative and due process procedures when they are computerized. The targeted date for completion of this is September 1, 1981. The Department shall recommend a reference to follow-up in the first annual revision of the GACEC.

The GACEC recommendation to participate in the development of an instrument to evaluate the effectiveness of due process procedures would be most useful. It is suggested its development parallel development of the computerized due process procedures scheduled for completion by September 1, 1981.

e. State Policy ensures the rights of a child are protected when no parents can be identified or discovered or the child is a ward of the State.

f. Policy for surrogate parents includes:

(i) A method of determining whether a child needs a surrogate parent.

(ii) A method for assigning a surrogate parent.

(iii) Criteria for selection of surrogates which ensures the surrogate:

(1) Has no conflict of interest.

(2) Has knowledge and skills to represent the child.

(3) Is not an employee of the public agency involved in the education or care of the child.

(iv) *The surrogate may represent the child in all matters relating to the identification, evaluation, and educational placement of the child and provisions of FAPE.*

Sections I.J.1 through I.J.7. of the AMPEC apply to component VI.B.M. and O. of the State Plan and contain the following:

J. SURROGATE PARENTS

Whenever the parent or guardian of a handicapped student is not known, unavailable, or the student is a ward of the State, a surrogate parent shall be assigned to represent the student in all educational decision-making processes pertaining to the identification, evaluation, and educational placement of the student and the provision of a free, appropriate public education to the student. 14 Del. C. §3132; 34 CFR 300.514.

1. DETERMINATION OF CHILDREN REQUIRING SURROGATE PARENTS

   A handicapped student shall require a surrogate parent when:

   a. Parental rights have been terminated by the Family Court and such handicapped student has not been adopted;
   b. Custody has been awarded to the Department of Services for Children, Youth and Their Families by the Family Court, unless:

      (1) at least one parent is available, willing and able to act on behalf of the student; or

      (2) the student is placed by the Division of Child Protective Services in the home of the student's relative who is available, willing and able to act as a surrogate for that student;

   c. Commitment to the Division of Youth Rehabilitation Services involves a handicapped student whose parents are unknown or unavailable; or

   d. Parents or guardians of a handicapped student are unknown or unavailable, and custody has not been awarded to the Department of Services for Children, Youth and Their Families.

EC

3. NOMINATION AND CANDIDACY OF SURROGATE PARENT

a. Nomination of Surrogate Parent

The Department of Public Instruction, Division of Exceptional Children/Special Programs State Director shall be notified in writing of the names of persons who may serve as surrogates by:

(1) School districts or other public agencies;

(2) civic or private organizations; or

(3) volunteers.

b. Screening of Potential Surrogates

Each potential surrogate shall be screened by the Department of Public Instruction, Exceptional Children/Special Programs Division, to determine that he/she meets candidacy requirements. Each candidate to serve as a surrogate shall:

(1) be at least eighteen years of age,

(2) be a resident of the State of Delaware,

(3) be competent to represent the student,

(4) not be an employee of a district or other public agency involved in the education or care of the student.

A person is not an employee of a district or other public agency solely because he or she is paid by the district or other public agency to serve as a surrogate parent, 34 CFR 300.514(d).

(5) have no interest that conflicts with the interest of the student he/she may represent.

In the case of termination of parental rights and the student is in the custody of a State agency, any such student shall have a surrogate parent appointed who is not an employee of that agency, e.g., case workers and probation officers shall not serve as surrogate parents. Foster parents may be appointed as surrogate parents after receiving the required training, 34 CFR 300.514(d)(2)(i);

(6) receive instruction about State and Federal laws and regulations, due process procedures, handicapping conditions and the availability of

programs and services for handicapped students, as provided through training by the Department of Public Instruction, Exceptional Children/Special Programs Division, 34 CFR 300.514(c)(2)(ii); and

(7) be able to converse in the primary communication mode used by the student.

3. TRAINING FOR SURROGATE PARENTS

a. Initial Training

Initial training for surrogate parents shall be provided by the Department of Public Instruction, Exceptional Children/Special Programs Division, with the assistance of the Division of Child Protective Services and the Division of Youth Rehabilitative Services. Such training sessions shall be conducted at least annually.

b. Follow-up Training

Follow-up training programs shall be provided by the Department of Public Instruction as deemed necessary by the superintendents of the school districts, the Division of Youth Rehabilitation Services, the Family Court of the State of Delaware, or the Department of Public Instruction. 34 CFR 300.514(c)(2)(ii).

c. Certificate of Training

The Department of Public Instruction, Exceptional Children/Special Programs Division, shall issue a Certificate of Training to every person who completes surrogate parent training.

d. Notification of Districts

The Department of Public Instruction, Exceptional Children/Special Programs Division shall notify the appropriate district or other public agency of the availability of surrogate parents who have obtained certificates.

4. APPOINTMENT OF SURROGATE PARENTS

Any person or entity may identify a student believed to require a surrogate parent. This may be done by informing the school that the student attends or, for a child that is not in attendance, by informing the school district of the child's present residence of the need for a surrogate.

a. When a school district or other public agency determines, pursuant to Section 1 of this Subpart, that a handicapped student requires a surrogate parent, the superintendent of the school district in which the student will receive or is receiving special education shall file with the Family Court of Delaware a Petition of Appointment for Surrogate Parent, after ascertaining that the surrogate is willing to serve. For a handicapped student who is receiving his or her special education at agencies of the Department of Services for Children, Youth and Their Families and who meets one of the criteria of Section 1 of this Subpart, the chief administrator of such agency shall notify the superintendent of the school district in which such agency is located of the existence of such student, and the superintendent shall file the petition with the Family Court for that student. 34 CFR 300.514(b)(2).

b. The Family Court of Delaware shall review the Petition of Appointment for Surrogate Parent and either approve or deny the Petition. Approval of the Petition will be made via the completion of the Petition for Surrogate Parent document and its transmittal to the requesting superintendent of the school district. Appointment of the surrogate shall be effective when the Family Court signs the Order accompanying the Petition. The Petition and Order shall then be transmitted to the requesting superintendent.

c. A person may be appointed to serve as a surrogate parent for more than one handicapped student to the extent that such appointment is consistent with effective representation of the students. In no event shall one person be appointed as a surrogate parent for more than four students.

d. The superintendent of the school district filing such a Petition shall notify the State Director, Exceptional Children/Special Programs Division, of the appointment of a surrogate parent by the Family Court.

5. RESPONSIBILITIES, TENURE, AND COMPENSATION

a. Responsibilities of Surrogate Parent

Each person assigned as a surrogate parent shall represent the handicapped student in all education decision-making processes concerning that student by:

(1) becoming thoroughly acquainted with the student's educational history and other information contained in school records and reports relating to the student's educational needs;

(2) granting or denying permission for initial evaluation or placement, complying with State and

federal law as to the confidentiality of all records and information pertaining to the student to which he/she is privy, including using discretion in necessary sharing of information with appropriate people for the purpose of furthering the interests of the student;

(3) participating in the development of an IEP for the student;

(4) reviewing and evaluating special education programs pertaining to the student and other such programs as may be available;

(5) initiating mediation, hearing, or appeal procedures when necessary regarding the identification, evaluation, or educational placement of the student, and seeking qualified legal assistance when such assistance is in the best interest of the student; and

(6) taking part in training provided to familiarize him/her with State and federal laws and regulations, due process procedures regarding the education of handicapped students, information about handicapping conditions, and the availability of programs and services for such students. 34 CFR 300.514(e).

b. Tenure of Surrogate Parents

(1) The tenure or term of service of the surrogate parent shall be:

(a) the length of time which the surrogate is willing to serve, or

(b) the length of time the student requires a surrogate, or

(c) so long as the qualifications to serve as a surrogate are met, or

(d) at the pleasure of the Family Court of Delaware.

(2) Termination of services of a surrogate parent

(a) If the surrogate parent wishes to terminate his/her service in that capacity, he/she shall notify, in writing, the superintendent of the school district in which the student is receiving special education services at least fifteen days prior to termination of such services.

(b) Involuntary termination of surrogate parent status may be accomplished only by decree of the Family Court after notice and opportunity to be heard. Termination shall only be justified based on material failure of the surrogate parent to discharge his or her duties or maintain confidentiality of information.

c. Compensation for Services as a Surrogate Parent

Surrogate parents shall be reimbursed by the State Board of Education for all reasonable and necessary expenses incurred in pursuit of duties. Such compensation shall include reimbursement for in-state travel to attend meetings regarding the student. The district shall be reimbursed by the State Board for the Family Court filing fee.

6. LIABILITY OF THE SURROGATE PARENT

A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the student.

7. DEFINITION OF TERMS APPLICABLE ONLY TO SURROGATE PARENTS

a. "Reasonable and Necessary Expense" includes such expenses as in-State travel mileage reimbursement for attendance at meetings concerning the student being represented, long distance phone calls to the school in which the student is being served, and copying of the student's records. Reimbursement for expenses requires prior approval by the superintendent of the school district in which the student is being served.

b. "Unavailable" means that the public agency, after reasonable efforts, cannot discover the whereabouts of a parent.

c. "Unknown" means no parent can be identified.

d. "Ward of the State" means any child whose parents' parental rights have been terminated by the Superior Court and for whom neither a legal guardian has been provided nor adoption proceedings finalized.

VI. *Least Restrictive Environment, 612(5)(B).*

1. The State Plan shall include procedures that ensure the requirements in 300.550 to 300.556 are met.

2. The Plan will describe procedures the SEA will undertake to ensure that each public agency has procedures that provide:

a. To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities are educated with children who are not handicapped.

b. Special classes, separate schooling or other removal from the regular education environment occurs only when the nature or severity of the handicaps is such that education in regular classes with supplementary aid and services cannot be achieved satisfactorily.

The following is stated in Section I.F.1. of the AMPEC as it applies to State Plan sections VII.2.a. and VII.2.b.:

1. ADMINISTRATION OF SPECIAL EDUCATION PROGRAMS AND SERVICES IN THE LEAST RESTRICTIVE ENVIRONMENT

   a. Each school district or other public agency shall ensure:

      (1) that to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and

      (2) that special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. 34 CFR 300.550(b).

b. Each district, individually or in consortium arrangement, shall assume administrative and leadership responsibility for district-wide programming for handicapped students, exclusive of any special school programs administered by the district(s). If a special education unit is used for this purpose, the sole responsibility of the person filling the position shall be supervision of programs for exceptional children, and the individual shall be a teacher, coordinator, supervisor or director certified in the area of exceptional children. Del. Ad. Man. p. 20

3. *Procedures require each public agency to ensure that a continuum of alternative placements described in 300.551(b) is available to meet the needs of handicapped children for special educaton and related services.*

Sections I.F.3 through I.F.5, and I.F.14. through I.F.17. of the AMPEC apply to State Plan, Section 3, and contain the following:

3. CONTINUUM OF ALTERNATIVE PROGRAM PLACEMENTS

Educational programs and supportive services of each district shall offer a range of alternative program placements in public programs designed to meet the individual needs of all handicapped students who are residents of that district. Such a continuum of alternative program placements, developed in consultation with the State Department of Public Instruction and other public agencies, shall consider the uniqueness of individuals and the variations in their educational needs. 34 CFR 300.551, 300.552.

The continuum shall be as follows:

Level I -	Regular classroom with consultant services.
Level II -	Regular classroom with supportive or part-time services (resource room).
Level III -	Special education classroom with part-time mainstream experiences.
Level IV -	Full time special education classroom (full school day).

Level V - Special school.

Level VI - Supportive instruction at school, home, or hospital.

Level VII - Residential schools and treatment centers.

4. CONTINUUM OF ALTERNATIVE PROGRAM PLACEMENTS: DISTRICT RESPONSIBILITIES

a. It shall be the responsibility of each school district to develop and maintain educational programs for Levels I through IV. The location of Level IV is dependent on the number and needs of children and may be established in the home district or may require the cooperative efforts of several districts or other agency(ies), as specified in Cooperative Agreements.

b. Cooperative Agreements shall be required for programs at Levels V and VII, and shall:

(1) Delineate the roles and responsibilities of all school districts or other public agencies;

(2) Be signed by the chief administrators of all such school districts or other public agencies; and

(3) Be approved by the State Board of Education.

c. Level VI is an alternative educational program provided at home, hospital or related site. However, for those children hospitalized or at home for a sudden illness or accident considered to be of a temporary nature, procedures for placement shall be limited to medical certification that the child cannot attend school. For all other children, the process delineated in Subsections B through F shall be followed. For regulatory purposes, all such cases shall be processed through the agency's special education program.

It shall be the responsibility of each school district to ensure that each handicapped student eligible for supportive instruction in Level VI receives such instruction in accordance with the student's IEP.

(1) To be eligible for supportive instruction, Level VI, the following criteria shall be fulfilled:

(a) Be of school age and enrolled in the district

(b) Be certified by a physician's statement if absence will be two weeks or more for physical reasons.

(c) Be certified by a staff conference, including a psychologist or psychiatrist if absence is necessary due to severe adjustment problems.

(d) Be certified by a staff conference for in-school instruction as necessary to provide an orderly return to the education program.

(e) It should be noted that pregnancy complicated by illness or other abnormal conditions as certified by a physician may be considered a valid reason for supportive instruction; however, normal pregnancy is considered a condition for which other State supported instructional programs administered by local districts should be adequate.

(2) Supportive instruction will begin as soon as administratively feasible and may continue upon return to school only in those exceptional cases where it is determined that the child needs a transitional program to guarantee a successful return to the school program. Exceptional cases shall be referred to the Department of Public Instruction for approval.

(a) The following weekly schedule of hours of instruction will be supported by State funds to the extent that appropriations allow:

OUT OF SCHOOL

Grades 1-5	Minimum 3 hours	Maximum 5 hours
Grades 6-8	Minimum 5 hours	Maximum 7 hours
Grades 9-12	Minimum 6 hours	Maximum 10 hours

IN SCHOOL

Grades 1-12	No minimum	Maximum 3 hours

NOTE: Proposed Addition to AMPEC at I.F.4.c.(2).(a).

"This schedule is only a statement of State funding levels; each district has the obligation to provide educational services in accordance with the student's IEP."

(b) State funded instruction shall not exceed three visits per week. Summer instruction is permitted for those children who, as determined by staff conference, need the instruction to complete course work or maintain a level of instruction in order to continue in a school program the following September.

(c) The school curriculum shall be followed.

(d) A home-to-school telephone instructional system may be provided when economically feasible and educationally advisable as determined by the local district administration. Negotiations for installation, removal, and costs shall be between the Diamond State Telephone Company and the local school district. (Payable from allocations for homebound instruction.) When a home-to-school telephone instructional system is provided, the coordinating teacher at the elementary level, or, in the case of departmentalized instruction, the teacher of each basic subject area may be authorized to visit the home for one hour per week to give assistance.

(e) When a child is in a departmentalized program, more than one teacher may be assigned but the maximum number of hours of instruction for his grade level shall not be exceeded.

NOTE: Proposed Substitution to AMPEC at I.F.4.c.(2).(e).

"When a child is in a departmentalized program, more than one teacher may be assigned and the number of hours of instruction shall be in accordance with the student's IEP."

(f) Teachers providing home, hospital, and/or supportive instruction for a child shall be paid hourly rates as set by the Department of Public Instruction.

(g) A specific budget amount is allocated to each district for operation of this program, but nothing in these regulations shall be construed to prevent a local school district from providing additional hours of instruction, or paying a higher hourly rate for teachers' services so long as the extension of services is supported by local or Division III funds. Summer instruction may be provided with State funds, subject to the availability of funds and approval by the Department of Public Instruction]. Funds for teacher travel in the provision of home, hosptial, or supportive instruction are to be provided by the local school district subject to reimbursement annually upon request to the Department of Public Instruction. Del. Ad. Man. pp. 28-29.

d. Programs may be developed at Levels I through III that serve students with a wide range of handicapping conditions in a common setting as long as such programs provide for the implementation of IEPs, are age appropriate, and provide services (direct/consultative) to each handicapped student by a certified special education teacher.

5. CONTINUUM OF VOCATIONAL PLACEMENTS

Each district and other public agency shall ensure the provision of the most appropriate vocational education through the availability of a continuum of vocational education placements. The continuum of placements includes, but is not limited to:

a. regular vocational programs with no supportive services;

b. regular vocational programs with supportive services as identified by the IEP team;

c. special vocational programs; and

d. self-contained vocational programs at special schools.

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14. NON-ACADEMIC AND EXTRACURRICULAR SERVICES

In providing or arranging for the provision of non-academic and extracurricular services and activities, including meals, recess periods, etc., each school district or any other public agency shall ensure that each handicapped student participates with non-handicapped students in those services and activities to the maximum extent appropriate to the needs of that student. 34 CFR 300.306(g).

15. SUPPLEMENTAL INSTRUCTIONAL SERVICES

A school district or any other public agency shall ensure that its handicapped students have available the same supplemental instructional services, including art, music, physical education, industrial arts, consumer and homemaking education, and vocational education, as are available to non-handicapped students. 34 CFR 300.306(b), 300.307(a).

16. RELATED SERVICES

a. Related services shall be provided by each school district or other public agency to all handicapped students based upon each student's IEP. 34 CFR 300.4.

b. "Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped student to benefit from special education and includes, but is not limited to, speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, medical services for diagnostic or evaluation purposes, school health services, social work services in schools, and parent counseling and training. 34 CFR 300.13.

c. Each school district or other public agency shall ensure that the hearing aids worn by deaf and hard of hearing students in school are functioning properly. 34 CFR 300.303.

17. FACILITIES, EQUIPMENT AND MATERIALS

a. All facilities which house programs for handicapped students must meet the standards approved by the State Board of Education with regard to space, health, fire, safety, and barrier-free regulations.

b. All instructional or treatment programs for handicapped students shall provide appropriate materials and equipment for implementation of individualized education programs.

Del. Ad. Man. p. 30.

5. ***Describe arrangements made with public and private institutions by the state to implement the requirements in Item #2.***

The Administrative Manual states that each district or any other public agency shall ensure that procedures are implemented as per Item #2. Personnel within districts and public agencies are supplied copies of the Administrative Manual. With respect to private institutions located in the State of Delaware, each local Chief School Officer

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maintains responsibility for programs for identified handicapped children within his or her district as special education and related services are provided by the LEA to such children. Handicapped children who are placed in out-of-state facilities are referred to and approved by Department of Public Instruction staff and the State Board of Education, all of whom have responsibility for ensuring same. In instances where a memorandum of agreement is required between facilities, either public or private, the Department of Public Instruction contributes to the support of an Interagency Agreement project, the Director of which is charged with the responsibility of establishing working agreements between components of the Department of Public Instruction, the Department of Health and Social Services, and the Department of Correction.

6. *Describe activities carried out to ensure that teachers and administrators:*
   - a. *Are informed of their responsibilities for implementing 300.550, and*
   - b. *Are provided technical assistance and training.*

Each school district and public agency serving handicapped students is provided copies of the Administrative Manual. In addition, five (5) meetings are held each school year with LEA Special Education Supervisors, Program Directors, Special School Principals, and staff from the Exceptional Children/Special Programs Division of the Department of Public Instruction.

Technical assistance is also provided by Department staff in an efficient and timely manner upon LEA request. In addition, SEA staff members are active relative to providing training activities for teachers and administrators of handicapped students. Documentation supporting this statement may be found in Section IX of this State Plan.

7. ***The SEA ensures that each handicapped child's educational placement is:***

   a. ***individually determined;***

   b. ***based upon his/her IEP.***

Section I.F.7. of the AMPEC states:

7. PLACEMENT DECISIONS BASED ON IEP

   Each district or other public agency shall ensure that each handicapped student's educational placement is based on his or her IEP. 34 CFR 300.552, 300.346.

   Placement decisions shall not be based on any of the following factors used alone or in combination:

   a. category of handicapping condition;

   b. configuration of the service delivery system;

   c. availability of educational or related services;

   d. availability of educational or related services;

   e. curriculum content or methods of curriculum delivery;

   c. ***determined at least annually.***

Section I.F.1. of the AMPEC states:

1. ANNUAL REVIEW AND REVISION OF IEP

a. At least annually, each school district or other public agency shall initiate and conduct meetings to review each handicapped student's IEP and, if approprite, revise its provisions. Meetings may be held at any time throughout the school year, provided IEPs are in effect at the beginning of, and throughout, the school year. 34 CFR 300.343(d).

d. As close as possible to the child's home.

Section I.F.8.a. of the AMPEC states:

8. LOCATION OF PLACEMENT

a. Each public agency shall ensure that each handicapped student's educational placement is as close as possible to the student's home. 34 CFR 300.552(a)(3).

8. The alternative placements in 300.551 are available to the extent necessary to implement the IEP program for each handicapped child.

Section I.F.3. and 5. of the AMPEC states:

3. CONTINUUM OF ALTERNATIVE PROGRAM PLACEMENTS

Educational programs and supoortive services of each district shall offer a range of alternative program placements in public programs designed to meet the individual needs of all handicapped students who are residents of that district. Such a continuum of alternative program placements, developed in consultation with the State Department of Public Instruction and other public agencies, shall consider the uniqueness of individuals and the variations in their educational needs. 34 CFR 300.551, 300.552. The continuum shall be as follows:

Level I - Regular classroom with consultant services.

Level II - Regular classroom with supportive or part-time services (resource room).

Level III - Special education classroom with part-time mainstream experiences.

Level IV - Full-time special education classroom (full school day).

Level V - Special school.

Level VI - Supportive instruction at school, home, or hospital.

Level VII - Residential schools and treatment centers.

5. CONTINUUM OF VOCATIONAL PLACEMENTS

Each district and other public agency shall ensure the provision of the most appropriate vocational education through the availability of a continuum of vocational education placements. The continuum of placements includes, but is not limited to:

a. regular vocational programs with no supportive services;

b. regular vocational programs with supportive services as identified by the IEP team;

c. special vocational programs; and

d. self-contained vocational programs at special schools.

34 CFR 300.305

9. ***Each public agency ensures that, except where a child's IEP calls for some other arrangement, the child shall be educated in the school which he/she would normally attend if not handicapped.***

Section I.F.8.b. of the AMPEC states:

> b. Each public agency shall ensure that, unless a handicapped student's IEP requires some other arrangement, the student is educated in the school which he or she would attend if not handicapped. 34 CFR 300.552(c).

10. ***Each public agency ensures that in selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or the quality of services he/she receives.***

Section I.F.11. of the AMPEC states:

11. HARMFUL EFFECTS ON PROGRESS

Each district or other public agency shall ensure that, in selecting the least restrictive environment, consideration is given to any potentially harmful effect on the student or on the quality of services which he or she needs. 34 CFR 300.552(d). In meeting this standard, specific notice should be made of the Comments section in the EHA-B regulations. "...it should be stressed that, where a handicapped student is so disruptive in a regular classroom that the education of other students is significantly impaired, the needs of the handicapped student cannot be met in that environment." 34 CFR 300.552(d), Comment.

11. *The SEA be provided data in Table II of the Annual Data Report consistent with the requirements of 300.132(b)(1)(2).*

On February 19, 1987, all information required in the Annual Data Report, including Table II, was forwarded to Dr. Louis C. Danielson, Office of Special Education Programs, U.S. Department of Education. The Delaware Department of Public Instruction will continue to supply information to the U.S.D.E. as requested.

VII. *Protection in Evaluation Procedures, 612(5)(c).*

1. The State Plan shall include procedures which ensure that the requirements of 300.530 - 300.534 are established and implemented by each public agency.

Requirements presented in Section VII of the State Plan are provided for in Subparts I.C., I.D., and I.F., the AMPEC.

2. Include procedures used by the SEA to ensure that testing and evaluation materials and procedures for evaluation and placement of handicapped children must be selected and administered so as not to be racially or culturally discriminatory.

Section I.C.6. of the AMPEC states:

6. BIAS-FREE TESTS AND PROCEDURES

a. Testing and evaluation materials and procedures shall be selected and administered so as not to be racially or culturally biased. 34 CFR 300.530(b)

b. Native Language

Tests and other evaluation materials shall be provided and administered in the student's native language, or other mode of communication, unless it is clearly not feasible to do so. A student shall not be assigned to a special education program on the basis of findings dependent solely upon the command of the English language. The total resources found within the State are to be utilized to ensure non-biased student evaluation. 34 CFR 300.530(b).

c. Testing Students with Impaired Sensory, Manual or Speaking Skills

> Tests shall be selected and administered so as to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude, achievement level or other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors which the test purports to measure). 34 CFR 300.532 (b)

3. ***Require that, prior to any action regarding initial placement of a handicapped child in a special education program, a full and individual evaluation of the child's educatonal needs must be conducted according to evaluation procedures in 300.532.***

Section I.C.5. of the AMPEC states:

> 5. INITIAL EVALUATION
>
> Before any action is taken with respect to the initial placement of a handicapped student in a special education program, a full and individual evaluation of the student's educational needs shall be conducted in accordance with the following requirements.
>
> a. Each initial evaluation shall include:
>
>   (1) an educational evaluation;
>
>   (2) an educational history, including a review of pre-referral intervention documentation;
>
>   (3) information concerning physical condition;
>
>   (4) information concerning socio-cultural background;
>
>   (5) information concerning behavior in home and school; and
>
>   (6) specialist reports in accordance with Section 2 of Subpart E.
>
>   34 CFR 300.531
>
> b. The student shall be assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. 34 CFR 300.532(f).

4. *Requires that State and local agencies ensure, at a minimum, that:*

   a. *Evaluations must be made by a multidisciplinary team or group of persons, including one expert in the area of suspected disability.*

Section I.C.3. of the AMPEC states:

> 3. MULTIDISCIPLINARY TEAM
>
> The evaluation of the student shall be conducted by a multidisciplinary team (MDT) of qualified evaluation specialists including at least one certified teacher or other specialist with knowledge in the area of suspected disability. 34 CFR 300.532(3)(e).
>
> The multidisciplinary evaluation team shall include:
>
> a. the student's regular teacher, or if the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age; or for a child of less than school age, an individual qualified by the State Educational Agency to teach a child of his or her age; and
>
> b. at least one person qualified to conduct the appropriate individual diagnostic examination(s) of that student, such as a school psychologist, speech therapist, or remedial reading teacher.
>
> 34 CFR 300.540.

   b. *The child is assessed in all areas related to the suspected disability.*

Section I.C.5.b. of the AMPEC states:

> b. The student shall be assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. 34 CFR 300.532(f).

   c. *No single procedure is the sole criterion for determining an appropriate educational program.*

Section I.C.2.a. of the AMPEC states:

2. SCOPE AND CONTENT OF THE INDIVIDUAL STUDENT EVALUATION

> Individual student evaluation is the systematic examination of the medical, physical, psychological, social and educational characteristics of a student for the purpose of determining the student's need for special education and related services.
>
> a. The scope of the evaluation process and the use of any additional evaluative techniques shall be determined by the nature and severity of the student's handicap. Placement shall not be made solely on the basis of a single assessment or on the basis of evaluation materials that have not been properly validated.

d. ***Tests and other evaluation materials are provided and administered in the child's native language, or other mode of communication, unless clearly not feasible.***

Section I.C.6.b. of the AMPEC states:

b. Native Language

> Tests and other evaluation materials shall be provided and administered in the student's native language, or other mode of communication, unless it is clearly not feasible to do so. A student shall not be assigned to a special education program on the basis of findings dependent solely upon the command of the English language. The total resources found within the State are to be utilized to ensure non-biased student evaluation. 34 CFR 300.530(b)

e. ***Evaluation materials have been validated for the purpose for which they are used.***

Section I.C.2.a. of the AMPEC states:

2. SCOPE AND CONTENT OF THE INDIVIDUAL STUDENT EVALUATION

> Individual student evaluation is the systematic examination of the medical, physical, psychological, social and educational characteristics of a student for the purpose of determining the student's need for special education and related services.

a. The scope of the evaluation process and the use of any additional evaluative techniques shall be determined by the nature and severity of the student's handicap. Placement shall not be made solely on the basis of a single assessment or on the basis of evaluation materials that have not been properly validated.

f. Evaluation materials are administered by trained personnel in conformance with instructions provided by their producer.

Section I.C.2.c. of the AMPEC states:

c. Evaluation materials shall be selected on the basis of the nature and severity of the student's handicap and administered in accordance with standardized procedures by qualified evaluation specialists.

34 CFR 300.532

g. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely a single general I.Q., and

Section I.C.2.b. of the AMPEC states:

b. Tests and other evaluation materials shall include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

h. Evaluation materials are selected and administered to a child with impaired sensory, manual, or speaking skills and must yield results which accurately reflect the child's aptitude or achievement level or other factors they purport to measure.

Section I.C.6.c. of the AMPEC states:

c. Testing Students with Impaired Sensory, Manual or Speaking Skills

Tests shall be selected and administered so as to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude, achievement level or other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors which the test purports to measure). 34 CFR 300.532 (b)

5. ***In interpreting evaluation data and making placement decisions, the SEA requires that each public agency must:***

   a. ***Draw information from a variety of sources including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.***

Section I.C.7.b. of the AMPEC states:

b. draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior/assessments; and

   b. ***Ensure that information from all sources in 5.a. is considered in the placement decision.***

   c. ***Ensure that information obtained from all sources is documented.***

Section I.C.7.c. of the AMPEC states:

c. ensure that information obtained from all of these sources is documented and carefully considered.

d. *Ensure that the placement decision is made by a group of persons, including those knowledgeable about the child, the meaning of the evaluation data, and the placement options, and*

Section I.D.4. of AMPEC states:

4. PARTICIPANTS IN IEP MEETINGS

Each school district or other public agency shall ensure that each IEP meeting includes the following participants:

a. a representative of the school district or other public agency, other than the student's teacher, who is qualified to provide or supervise the provision of special education;

b. the student's current teacher;

c. one or both of the student's parents or guardians;

d. the student, when appropriate;

e. other individuals at the discretion of the parent or the school district or other public agency; and

f. for the handicapped student who has been evaluated for the first time, the school district or other public agency shall ensure:

(1) that a member of the evaluation team participates in the meeting; or

(2) that a representative of the school district or other public agency, the student's regular classroom teacher, or some other person is present at the meeting, who is knowledgeable about the evaluation procedures used with the student and is familiar with the results of the evaluation.

34 CFR 300.344

e. *Ensure that the placement decision is made in conformity with the least restrictive environment rules in Sections 300.550 - 300.554.*

Section I.F.1.a. of the AMPEC states:

F. PROGRAMS AND PLACEMENT

1. ADMINISTRATION OF SPECIAL EDUCATION PROGRAMS AND SERVICES IN THE LEAST RESTRICTIVE ENVIRONMENT

a. Each school district or other public agency shall ensure:

(1) that to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and

(2) that special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. 34 CFR 300.550(b).

6. Procedures must show that if a determination is made that the child needs special education and related services, an IEP must be developed for the child, according to the requirements of Section 300.340 - 300.349.

Section I.D.1. of the AMPEC states:

D. INDIVIDUALIZED EDUCATION PROGRAM (IEP)

1. IEP REQUIRED

Each school district or other public agency responsible for the education of handicapped students shall ensure that each handicapped student receiving special education from that agency has an Individualized Education Program (IEP) that is in effect and current for the school year and program placement.

7. The SEA must ensure that each public agency:

a. Reviews each child's IEP in accordance with Section 300.340-300.349, and *b. Conducts an evaluation of the child according to Section 300.532 every three (3) years, or more frequently if conditions warrant or if a child's parents or teacher makes such a request.*

Sections I.H.1. and I.C.8.a. of the AMPEC state:

H. ANNUAL REVIEW

1. ANNUAL REVIEW AND REVISION OF IEP

a. At least annually each school district or other public agency shall initiate and conduct meetings to review each handicapped student's IEP and, if appropriate, revise its provisions. Meetings may be held at any time throughout the school year provided IEPs are in effect at the beginning of, and throughout, the school year. 34 CFR 300.343(d).

b. The review shall be conducted by the IEP team who provide direct services for the student. These personnel are responsible for data collection, review, and, as necessary, revisions in the IEP. Participants in the revision of an IEP shall include those specified under Section I, D, 4.

c. Documentation of the proceedings of each student's annual review shall include those items specified in Section 2 of Subpart D, Content of IEP.

d. Articulation

Articulation is the process by which a student moves from grade to grade or from one organizational level to another, e.g., elementary school to middle school. During the Annual Review, the IEP team shall consider the needs of the handicapped student who is scheduled for a move. Communication with the staff of the receiving program shall occur to ensure that a handicapped student's articulation does not endanger his/her receipt of a free, appropriate public education.

8. REEVALUATION

Reevaluation is the process whereby information about a student is periodically gathered and reviewed to determine the continued appropriateness of the special education and related services being provided.

a. A formal reevaluation of the student shall be conducted by the school district or other public agency at least every third year following initial placement or sooner if conditions warrant or if the student's parent or teacher requests an evaluation. The formal reevaluation shall comply with all of the requirements of the initial evaluation procedures specified in this Manual. 34 CFR 300.534(b).

VIII. Comprehensive System of Personnel Development (CSPD), 613(a)(3)

A. The State Plan shall provide a description of the process utilized to ensure participatory planning, as well as the results of the process, including the following:

1. A description of how input from all public and private institutions of higher education, other agencies and organizations, and representatives of parents and handicapped organizations has been obtained. The description indicates:

a. participation,
b. review, and
c. annual updating.

A statewide CSPD Committee has been functioning under various names (e.g., Task Force) since 1981. Current membership represents:

- Delaware State College
- Delaware State Education Association
- Department of Health and Social Services
- Department of Services for Children, Youth and their Families
- Governor's Advisory Council for Exceptional Citizens
- Intensive Learning Centers
- Local School Districts (from each county)
- Special Schools (public and private)

- State Department of Public Instruction:

  Divisions of:

  Planning, Research & Evaluation

  Certification & Personnel

  Exceptional Children/Special Programs

  Instructional Services

  Vocational Education

- The University of Delaware.

The CSPD Committee, working in sub-committees or as a whole, performs such functions as: (1) designing data-collection instruments for needs assessment, (2) reviewing the results of the data-collection activities, (3) setting training priorities, (4) reviewing teacher supply and demand data, (5) reviewing CSPD Section of the State Plan, (6) reporting staff supply shortages and recruitment problems, (7) commenting on State teacher and staff certification requirements, (8) suggesting types of training needed and, in some cases, the content of that training, and (10) annually updating information for the State Plan.

2. The responsibilities of SEAs, LEAs, public and private IHEs and other agencies related to the CSPD are described. Delaware has two institutions of higher education, the University of Delaware and Delaware State College, which have approved teacher preparation programs in special education. The representatives of those organizations work with the CSPD Committee as a whole and have no separate and distinct responsibilities other than to share information regarding existing or projected preservice and inservice

activities. It should be noted that both Delaware State College and the University of Delaware have this year (1986-87) submitted grant applications for the preparation of special educators (84.029B). Each of the proposals addresses personnel and training needs in the State, specifically, the development of a transitional/vocational specialization for secondary level special educators (University of Delaware). At this writing, it is not known whether either of these proposals has been funded.

The State Education Agency provides the leadership in the development of the Comprehensive System of Personnel Development. The Committee is co-chaired by staff members of the Exceptional Childen/Special Programs Division. Division staff distribute the needs assessment forms to LEAs and agencies, receive and compile the data prior to Committee review, draft the plans, and make changes following the review.

The local school districts and other agencies involved distribute and collect the surveys for their agencies. Generally, this is done by the special education supervisor with the cooperation of district/agency teachers, related services personnel, administrators and other targeted persons. LEA personnel also specify in their annual plan/application the inservice training activities that they plan to conduct, addressing unique staff or program development areas. Because the State is small, LEAs in Delaware also contact staff from the Department of Public Instruction, and, through informal communication, address additional programs and inservice training needs.

Evidence of the process is presented in Appendix 1 and includes:

a. Minutes of the CSPD Committee meeting,
b. Revised Needs Assessment Survey,
c. Training Conference.

In the past, annual needs assessments have been inconsistent (Refer to 1985 Comprehensive Compliance Review letter from the U.S. Department of Education). Needs assessment information for 1987/88 is currently being collected. (Cross reference the section that follows.)

B. Needs Assessment

1. Annual needs assessments have been and are being conducted at the time of this writing.

   In order to understand the aforementioned statement, it is necessary to know the antecedent events. Recently, the State of Delaware participated in the Compliance Monitoring System sponsored by the Office of Special Education and

Rehabilitation Services (OSERs). Findings by the Comprehensive Compliance Review Team included recommendations for corrective action in several areas, including CSPD. As a whole, the recommendations of the team resulted in a remediation plan that ranked the revision of the State Administrative Manual for Programs for Exceptional Children at the top of the list. This event, the revision and the public review of the Manual, coupled with the retirement of State Department personnel in charge of CSPD, provided the impetus for revising the system of personnel development. Consequently, both long-term and short-term plans were developed.

For the immediate future, three critical topics in need of training were targeted by several organizations, including the State Department of Public Instruction and the CSPD Committee. The three areas in need of immediate attention were: (a) changes in the Administrative Manual, (specifically, Procedural Safeguards) (b) LRE, and (c) the Educational Surrogate Parent Program. For the long run, the revision of the CSPD Needs Assessment Survey and its annual dissemination was targeted. In addition, early childhood programs plus transition, will be targeted.

2. The needs assessment process is described.

No formal needs assessment was deemed necessary concerning the inservice training needs of professional educators in terms of the Manual. At a regularly scheduled, statewide meeting of special education supervisors, this need was confirmed, and an interim plan developed. In lieu of a formal plan and, in part, due to the lack of Part D funding this year, training on Manual changes and LRE have been conducted on an ad hoc basis and on a scheduled basis, the latter including presentations at scheduled events such as statewide CEC meetings and inservice days. (See Appendix A.) A formal schedule covering both Manual revisions and LRE is being developed currently.

Training needs for educational surrogate parents was formalized and based on specific district/agency needs. Consequently, a survey was forwarded by the Department of Public Instruction to each school district and appropriate agency requesting the following information: (a) total number of handicapped children in need of a surrogate parent, (b) number of children with a surrogate parent assigned, (c) number of available and trained surrogates, (d) number of surrogte parents needed. School districts/agencies that failed to respond with information were contacted by telephone until critical information was obtained. This information was later checked against another survey conducted independently by the Delaware Disabilities Law Program. Discrepancies were noted and corrective action was planned, namely, interagency communication must be formalized and monitored. To this end, the Disabilities Law Program has submitted a bill to the State Legislature asking for State funding of a full-time state specialist whose sole responsibility is the educational surrogate parent program. The bill is pending as of this date. Training of educational surrogate parents has been formalized and continues (see Appendix B). The current Surrogate Parent Resource Manual is being revised to reflect changes in the new Administrative Manual.

A formal annual needs assessment (see Appendix C) of inservice training needs is currently being conducted. The 1986/7 Needs Assessment Survey was revised several times before it was cleared for dissemination by the appropriate State committee. Subsequently, the survey was disseminated to various schools and agencies serving handicapped children for completion by a sampling of their staff. Collection will have been completed no later than June 15, 1987; the data will be analyzed immediately after the completed surveys have been collected and results presented to the CSPD Committee for discussion. Also on that meeting's agenda will be the scheduling of survey dissemination for the coming year. A January or February date is anticipated.

The formal needs assessment process is as follows:

a. A data collection instrument is developed;

b. The instrument is distributed to and completed by school districts and/or related agencies;

c. Data are summarized on a statewide basis;

d. Data are presented to the CSPD Committee for review;

e. Training programs are planned to address the specific needs on a statewide local basis.

Several other needs assessment activities also occur that provide information for the Comprehensive System of Personnel Development. Special study institutes, sponsored by EHA-Part B and Regional Resource Center funds, were held for the purpose of writing drafts of the revised Manual. In some cases, consultants from other states were also involved. Staff development needs were also determined as a result of on-site and monitoring visits to programs throughout the State. Provision is then made for providing the training through technical assistance.

3. Needs assessments include:

   a. the Training Needs Survey;

   b. the Surrogate Parent Survey;

   c. requests from districts, agencies and/or organizations, especially in the areas of the revised Manual, LRE, and IEPs;

   d. requests from individual schools for technical assistance, especially in the areas of classroom management and innovative, data-based instructional practices;

e. personnel projections; and

f. findings from special surveys, studies, etc.

Personnel projections include:

a. the number of qualified personnel available;

b. the number of new personnel needed;

c. the number of personnel requiring retraining;

d. the content area in which training is needed;

e. the groups requiring training.

This informaton is obtained primarily from the Annual Data Report, Part 1. These data are obtained annually in December (see Appendix D).

In addition, each year the Division of Planning, Research and Evaluation of the Department of Public Instruction conducts a study of the number and types of educational personnel employed in the public schools in Delaware. Table I and II, respectively, show the results of the study for school years 1984-85 and 1985-86, depicting the number of qualified personnel available in regular and special education, including instructional and support personnel and related service providers. Projected numbers of new personnel needed for school year 1987-89 appear in Table III.

The Certification and Personnel Division of the State Dept. of Public Instruction annually conducts a review of the transcripts of special education teachers employed in the State who were issued non-renewable limited standard teaching certificates. The number of teachers requiring various courses for full certification is found in Table II. These data are shared with the proper persons at the University of Delaware and Delaware State College so that arrangements can be made to have the courses availabe for the persons who will require them.

C. The State Plan shall provide specific activities for inservice based on the needs assessments.

1. The Personnel Development Plan must provide a structure for personnel planning focusing on inservice needs.

Inservice training programs and procedures, as described on the following pages, follow the conceptual model that incorporates major incentives for staff, that of awarding financial remediation or inservice credit for the training which contributes to salary step increases. Such credits toward salary step increases require prior approval from the local school district superintendent, whereas the approval of the course or inservice activity to offer inservice credit requires the approval of the Department of Public Instruction Certification and Personnel Division. This dual approval requirements helps to assure that quality inservice activities are conducted and that teachers and other staff are rewarded for coursework which is beneficial to them, the children they teach, and the district or agency which employs them. Inservice training is provided for regular and special education staff, including related services and support personnel. Additionally, inservice participants, in some cases, have the option to sign up for university/college credit. In short, the SEA utilizes incentives that ensure participation by teachers, such as released time, payment for participation, options for academic credit, salary step credit, certification renewal, and updating professional skills.

2. The Personnel Development Plan describes the results of the annual needs assessment, including:

   a. needed areas of inservice training, and

   b. assigning priorities to those areas.

   Results from the Training Needs Survey are incomplete. However, results from other surveys, such as the Educational Surrogate Parent Survey, and the Administrative Manual revision have indicated training priorities in the following areas:

a. State Administrative Manual: Programs for Exceptional Children revisions such as prereferral interventions, LRE, Peer Review and Human Rights Committees;

b. educational surrogate parents;

c. classroom management, effective teaching and direct instruction.

3. The Personnel Development Plan identifies target populations for inservice training and describes the content and the nature of said training.

Training plans have targeted and will continue to target many populations. First, training covering Manual revisions have been provided for and will continue to include both regular and special education administrators, teachers, and specialists.

Inservice will continue to focus on LRE, including prereferral interventions, discipline and management parameters, Peer Review and Human Rights Committees, and Transition/Vocational Assessment. The nature of the training is by means of lecture format primarily, with discussion periods following. Training individuals who will, in turn, train district/building representatives to train staff is a priority.

Second, training plans regarding educational surrogate parents cover qualified volunteers, typically parents, including foster parents, of either handicapped or non-handicapped children who wish to serve in this capacity. Training materials will be revised to reflect the Manual revisions and materials needed for IEP meeting preparation. Training content covers procedural safeguards and the IEP/IEP meeting. The format used is a lecture followed by workshop activities.

Third, regular and special education administrators, teachers, related service personnel, and instructional aides will be invited to attend local and statewide training in classroom management, effective teaching, and direct instruction. (See Appendix E for specifics.) Local and statewide workshops apply with following on-site coaching.

4. Funding sources, time frames, and contracts are specified.

The primary funding sources for inservice activities derive from EHA-Part B inservice funds, ECIA-Chapter I Handicapped funds, grants from the Mid-South Regional Resource Center, and State and local sources, including registration fees from workshops/conferences. It is expected that Part D funds will be availabe for these activities in the year to come.

Inservice training is provided during the summer as well as the school year. The State Board of Education school calendar includes five inservice training days during the school year. These days are heavily utilized as times to conduct district-wide and statewide inservice training that is tied to SEA needs assessment priorities. Workshops and conferences have been, and will continue to be, scheduled during the summer.

Contracts for inservice training typically fall into one of two types: (a) contracts for individuals who have expertise in areas of need, and (b) organizations that provide a need-based service. For example, the Learning Resource System Centers and the Department of Public Instruction are continuously updating their holdings to include the most innovative training materials.

The following is a description of the procedures Delaware uses, and will continue to use for acquiring, reviewing, and disseminating significant information derived from educational research, demonstration, and other projects to general and special education instructional and support personnel, administrators of programs for handicapped children and other interested agencies and organizations.

In 1975, Delaware received funds from the National Institute of Education for the purpose of research and information dissemination in education. A portion of these funds were used to support an Information Search and Retrieval Unit (ISRU). By making a phone call or writing a letter, any educator in the State can access a variety of resource bases (e.g., ERIC, AIM/ARM) using the Dialog Computer to assist in the answering of an educational problem or need. The Information Center is further supported by the ERIC microfiche collection 150 educational journals and 5,500 books. Special educators in the State of Delaware have made frequent use of the ISRU for the purpose of becoming aware of recent research, materials, and techniques appropriate for special students. This service is now funded by school district subscriptions, but it is still a free service to the individual educator.

The Delaware Learning Resource System (DLRS) provides resources and services to help educate handicapped children. Delaware's system encompasses a network of special education materials centers, called LRS Centers, located across the State. They are designed to increase the knowledge and skills of special and regular education personnel in the areas of instructional materials, methods, educational techniques, assessment of children, and development of instructional programs for handicapped children. The LRS Center services include: (a) the dissemination of information regarding the identification, location and evaluation of handicapped children;

(b) providing inservice training; (c) distributing data on services and resources available for handicapped children in the State; (d) loaning, demonstrating, and consulting on instructional materials; (e) sponsoring inservice workshops; (f) housing of materials and equipment displays; and (g) providing information on commercially available teaching materials.

The LRS Centers acquire, review, and disseminate information regarding instructional materials and methodologies. This dissemination is accomplished through a variety of methods, including the production and publication of a complete catalog of all of the centers' holdings. That collection now includes approximately twenty thousand (20,000) items. Currently, there are approximately four thousand clients registered as users of the system to whom catalogs are made available. During school year 1985-86, more than thirteen thousand items were circulated by the centers. In addition, a newsletter is published and disseminated to all teachers in the State three times a year. The newsletter, Project IDEA, contains information about innovative practices that work and/or research that has had a significant impact on the treatment of handicapping conditions.

One of the centers, located at the University of Delaware, serves as a supplement to the preservice and inservice training offered on the campus. On May 13, 1987, this center will open a technology section. Initially, this plan is for acquiring assistive devices and adaptive equipment for the severely handicapped.

Recently, with the growing emphasis on services to young handicapped children and secondary schools, the centers are expanding their collection of materials and services to include these publications. Parents are being informed of the availability of this valuable resource and are using it. The LRS Centers are funded through EHA, Part B, PL 89-313, State funds, and local in-kind contributions. Annually, a status report of programs for exceptional children is submitted to the State Board of Education. This status report contains a summative evaluation of the numbers of educators and others who participated in the various inservice activities sponsored and led by the Department of Public Instruction.

5. Evaluation

Typically, two types of evaluation activities will transpire. First, inservice evaluation will be conducted at the end of presentations, workshops, and the like. Feedback from participants will be solicited and reviewed with the intention of improving future inservice. Second, the effects of the overall Personnel Development Plan will be evaluated.

In the immediate future, this will consist of Personnel Development Plan effects as measured by Comprehensive Compliance Monitoring System activity. It is expected that additions and revisions to the Manual will place some districts in non-compliance. The degree to which these deficiencies are ameliorated can be used as a measure of the effectiveness of inservice and technical assistance in priority topics.

Surveys, such as the Educational Surrogate Parent Survey, may also provide means of evaluating the Personnel Development Plan. For example, if next year's survey reveals the same 20 children in need of surrogate assignments as in the previous year, it could be said that this SEA's inservice was ineffective, certainly the monitoring was.

In the long run, the evaluation of the effectiveness of personnel development will be reflected during program evaluation. This activity, however, is on the planning boards, but will reflect CSPD requirements.

IX. *Participation of Private School Children, 613(a)(4)(A).*

The State Plan shall include policies and procedures which ensure:

1. *Each LEA provides special education and related services to meet the needs of private school children in its jurisdiction.*
2. *To the extent consistent with their numbers and location in the State, provision is made for participation of private school handicapped children in the program assisted or carried under this part by providing them with special education and related services.*

Section I.O.2 of the AMPEC states:

> 2. RESPONSIBILITY FOR STUDENTS IN PRIVATE SCHOOLS
>
> The SEA shall ensure that special education and related services for students in private schools are provided in accordance with the requirements of Subpart I.F. of this Manual. 34 CFR 300.400.

3. *The SEA is responsible for ensuring the following:*

   a. *A subgrantee shall provide students enrolled in private schools with genuine opportunity for equitable participation in accordance with requirements in Sections 76.652 - 76.662 and the authorizing statute and implementing regulations for a program.*

   b. *The subgrantee shall provide that opportunity to participate in a manner that is consistent with the number of eligible private school students and their needs.*

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c. *The subgrantee shall maintain continuing administrative direction and control over funds and property that benefit students enrolled in private schools.*

The Chief School Officer of each subgrantee is required to sign a Statement of Assurances which includes the following items:

"In the case of local education agencies, the applicant assures that: (1) This program or project has been developed in coordination with other public and non-public programs for the education of handicapped children, or for similar purposes in the areas served by the local education agency, and (2) It will, in the conduct of this program or project, coordinate its activities under the State Plan with such other programs."

Also, "To the extent consistent with the number and location of handicapped children in the area served by the applicant agency who are enrolled in non-public elementary and secondary schools, provision has been made for participation by such children in programs and projects."

In addition, the Statement of Assurances includes: "The control of funds provided under this Title, and title to the property derived therefrom, shall be in a

> public agency for the uses and purposes provided in this Title, and that a public agency will administer such property and funds and apply them only for the purposes for which they are granted."

d. ***A State shall ensure that each subgrantee complies with the requirements in 76.651 - 76.662.***

Department of Public Instruction staff, members of the Federal Appropriation Review Committee, and the State Board of Education review and approve all subgrantee applications, including assurance statements. In addition, a newly developed Comprehensive Compliance Monitoring System has been developed and is being piloted which includes a Compliance Review of these items.

e. ***If a State carries out a project directly, it shall comply with the requirements as if it were a subgrantee.***

The same terms and conditions regarding awards to subgrantees will apply to the SEA as well as LEAs. The Chief State School Officer's signature or that of his designee will be required on a Statement of Assurance.

4. *An applicant for a subgrant shall consult with appropriate representatives of students enrolled in private schools during all phases of the development and design of the project covered by the application, including consideration of:*

   a. *Which children will receive benefits under the project;*
   b. *How the children will be identified;*
   c. *What benefits will be provided;*
   d. *How the benefits will be provided; and*
   e. *How the project will be evaluated.*

5. *A subgrantee shall consult with appropriate representatives of students enrolled in private schools before the subgrantee makes any decision that affects the opportunities of those students to participate in the project.*

6. *The applicant of subgrantee shall give the appropriate representative a genuine opportunity to express their views regarding each matter subject to the consultation requirements in 76.652.*

As a condition for approval, each subgrantee must submit information in their EHA Part B Plan/Application which describes the manner and extent to which the applicant has complied with §100b.652 as it appears in Volume 45, Number 66 of the Federal Register, dated April 3, 1980. This subsection addresses all those components required in Section X.4. through X.6. of the State Plan.

7. *A subgrantee shall determine the following matters on a basis comparable to that used by the subgrantee in providing for the participation of public school students, including:*

   a. *The needs of students enrolled in private schools.*
   b. *The number of those students who will participate in a project.*
   c. *The benefits that the subgrantee will provide under the program to those students.*

   Each subgrantee is required to include information in their EHA Part B Plan/Application which indicates the basis the applicant used to select handicapped students in private schools (need), the number of students enrolled in private schools who will receive benefits under the program, and the places and times that students will receive benefits under the program. These Plan/Application components are subject to the review and approval of Department of Public Instruction staff, members of the Federal Advisory Review Committee, and the State Board of Education.

8. *The program benefits that a subgrantee provides for students enrolled in private schools must be comparable in quality, scope and opportunity for participation to the program benefits that the subgrantee provides for students enrolled in public schools.*

9. If a subgrantee uses funds under a program for public school students in a particular attendance area, or grade or age level, the subgrantee shall ensure equitable opportunities for participation by students enrolled in private schools who:

   a. have the same needs as public school students to be served, and

   b. are in that group, attendance area, or age or grade level.

10. If the needs of students enrolled in private schools are different from the needs of students enrolled in public schools, a subgrantee shall provide program benefits for the private school students that are different from the benefits the subgrantee provides for the public school students.

11. Subject to Item 12, a subgrantee shall spend the same average amount of program funds on:

   a. A student enrolled in a private school who receives benefits under the program, and

   b. A student enrolled in public school who receives benefits under the program.

12. The subgrantee shall spend a different average amount on program benefits for students enrolled in private schools if the average cost of meeting the needs of those students is different from the average cost of meeting the needs of students enrolled in public schools.

13. An applicant for a subgrant shall include the following information on its application:

   a. A description of how the applicant will meet the Federal requirements for participation of students enrolled in private school.
   b. The number of students enrolled in private schools who have been identified as eligible to benefit under the program.
   c. The number of students enrolled in private schools who will receive benefits under the program.
   d. The basis the applicant used to select the students.
   e. The manner and extent to which the application complied with Section 76.652 (consultation).
   f. The places and times that the students will receive benefits under the program.
   g. The differences, if any, between the program benefits the applicant will provide to public and private school students, and the reason for the differences.

14. A subgrantee may not use program funds for classes that are organized separately on the basis of school enrollment or religion of the students if:

   a. The classes are at the same site.
   b. The classes include students enrolled in public schools and students enrolled in private schools.

15. A subgrantee may not use program funds to finance the existing

level of instruction in a private school or to otherwise benefit the private school.

16. The subgrantee shall use program funds to meet specific needs of students enrolled in private schools, rather than:
    a. The needs of a private school, or
    b. The general needs of students enrolled in a private school.

17. A subgrantee may use program funds to make public personnel available in other than public facilities:
    a. To the extent necessary to provide equitable program benefits designed for students enrolled in a private school, and
    b. If those benefits are not normally provided by the private school.

18. A subgrantee may use program funds to pay for the services of an employee of a private school if:
    a. The employee performs the services outside his or her regular hours of duty, and
    b. The employee performs the services under public supervision and control.

19. A public agency must keep title to and exercise continuing administrative control of all equipment and supplies that the subgrantee acquires with program funds. This public agency is usually the subgrantee.

20. The subgrantee may place equipment and supplies in a private school for the period of time needed for the project.

21. The subgrantee shall ensure that the equipment or supplies placed in a private school:

    a. Are used only for the purpose of the project, and
    b. Can be removed from the private school without remodeling the private school facilities.

22. The subgrantee shall remove equipment or supplies from a private school if:

    a. The supplies and equipment are no longer needed for the purposes of the project.
    b. Removal is necessary to avoid use of the equipment or supplies for other than project purposes.

23. A subgrantee shall ensure that program funds are not used for the construction of private school facilities.

State Plan requirements X.8 through X.12, and X.14. through X.23 are included on a Statement of Assurances, and signed by each local Chief School Officer in submitting an EHA Part B Plan/Application. The signed Statement of Assurances are subject to the review and approval of Department of Public Instruction staff, members of the Federal Advisory Review Committee, and the State Board of Education.

Requirement X.13 is currently in place, as subgrant applicants are required to supply information requested in Items X.13.a through X.13.g. on EHA B Plan/Applications. This procedure will continue, and will be subject to the review and approval process as outlined in the previous paragraph.

X. *Placement in Private Schools, 613(a)(4)(B).*

1. The State Plan shall include policies regarding the requirement that, if handicapped children are placed in/referred to private schools/facilities by the SEA or LEA as a means of providing special education and related services, the State ensures that such services are provided:

(i) In conformance with an IEP.

(ii) At no cost to parents, and

iii) In a school or facility which meets State education standards.

Subsection I.M.2.c. of the AMPEC states:

c. State Responsibilities in Private Placement

When a handicapped student is placed in an approved private placement, the Department of Public Instruction shall ensure that:

(1) An IEP which meets all the requirements of this Manual is developed by the referring school district or other public agency responsible for the education of the handicapped student before the student is referred for approval or placed in a private program. 34 CFR 300.347(a)(1), 300.401.

(2) A representative of the private school or facility has participated in the placement process, either by attending the meeting or by other means of communication, so that the IEP team and the DPI Private Placement Review Committee can made a determination that the private program is appropriate and can fulfill the requirements of the student's IEP. 34 CFR 300.347(a)(2).

(3) Special education and those related services, including transportation, as are required to assist the student to benefit from special education, are at no cost to the parents. 34 CFR 300.13, 300.401(a)(2).

(4) The private school or facility meets State standards as set forth in the Regulations for Approval of Private School Programs for Placement of Persons with Complex or Rare Handicaps. 34 CFR 300.40(a)(3).

(5) Handicapped students in private schools and facilities have all the rights of students served in public school and agency programs. 34 CFR 300.401.

(6) The criteria for placement of a handicapped student in a private program, as certified by the referring school district, have been met.

2. *Policy states that, if a handicapped child has available FAPE and the parents choose to place the child in a private school or facility, the agency is not required to pay for the child's education at the private school or facility.*

3. *Policy includes a provision that if a parent and a public agency disagree about the availability of a program appropriate for a child, the disagreement and question of financial responsibility is a matter subject to due process procedures.*

Subsection I.M.6.b. of the AMPEC states:

b. Placement of Students by Parents

(1) If a handicapped student has available a free, appropriate public education and the parents choose to place the student in a private school or facility, the district or any other public agency is not required to pay for the student's education at the private school or facility. However, the district or any other public agency shall make services available to the student as provided in the Part B Plan of the Education of the Handicapped Act.

(2) Disagreements between a parent and a district or any other public agency regarding the availability of a program appropriate for the student, and the question of financial responsibility are subject to the due process procedures set out in Sections 5-11 of Subpart K.

4. ***Policy includes a provision that whenever a handicapped child is placed in a private school or facility by a public agency, the SEA will ensure that the child has all the rights of a handicapped child served by a public agency.***

Paragraph I.M.2.c.(5) of the AMPEC cited above addresses this requirement.

5. ***Policy includes a provision that each private school or facility to which a public agency has referred or placed a handicapped child receives a copy of State standards, and revisions as they occur.***

6. ***Policy includes a provision for private schools or facilities to which a public agency has referred or placed a handicapped child to have the opportunity to participate in the development and revision of standards relating to special education.***

Paragraphs I.M.2.d.(3)and (4) of the AMPEC state:

d. State Responsibility for Private School Accountability

Implementing State and federal regulations governing accountability for and to private programs, the Department of Public Instruction shall:

(3) Disseminate copies of applicable standards to each private program to which a public agency has referred or placed a handicapped student. 34 CFR 300.402(b).

(4) Provide an opportunity for those private schools or facilities to participate in the development and revision of State standards which apply to them. 34 CFR 300.402(c).

XI. *Recovery of Funds for Misclassified Children, 613(a)(5).*

The State Plan shall include policies and procedures which ensure that the State seeks to recover any funds made available under Part B for services to any child determined to be erroneously classified as eligible to be counted.

By agreement with the State Legislature and Budget Office, a State audit shall be conducted during the month of October to ascertain that units awarded on September 30 are in full operation on or prior to that date with evidence of services being provided. If, during the audit of State units for the education of handicapped children, it is discovered that a child has been erroneously classified, this discrepancy will be made known to the local education agency and will also be reported to the proper persons at the State Education Agency, including the Director of the Exceptional Children/Special Programs Division, the Assistant State Superintendent of the Instructional Services Branch, and the State Superintendent of Public Instruction.

The local education agency will be notified that its Part B grant award has been reduced by an amount equal to that fiscal year's per pupil allocation. Thus, if the current fiscal year's Grant Award was based on a per pupil allocation of $200.00, the LEA grant would be reduced at a rate of $200.00 for each student determined to have been misclassified.

Should discovery of misclassification occur at a time other than during the audit of State units, such as in the fourth quarter of the Grant, the following year's Grant Award shall be reduced accordingly. The task of identifying children which have been misclassified will occur not only during September 30th audit of State units, but during all other PL 94-142 and PL 89-313 Monitoring and Evaluation on-sites as well.

In addition, Paragraph I.0.5.(13)(c) of the AMPEC states that in the event of an identified deficiency (which would include misclassification of children):

> (13) that a school district or other public agency be given reasonable notice and an opportunity for a hearing with respect to an identified deficiency.
>
> (a) If the school district or other public agency declines a hearing, the SEA shall reach a final decision of compliance or non-compliance within ten (10) days;
>
> (b) If the SEA conducts a hearing, the SEA shall reach a final decision of compliance or non-compliance within thirty (30) days after the conclusion of the hearing; or
>
> (c) If the SEA reaches a final decision of non-compliance (i.e., the school district or other public agency has violated State or federal requirements); the SEA shall:
>
> (i) make no further payments under Part B to the school district or other public agency until the school district or other public agency submits an acceptable corrective action plan;
>
> (ii) disapprove any pending school district or other public agency Part B local application, when appropriate;
>
> (iii) seek recovery of funds, and impose any other sanctions authorized by law.

XII. *Notice and Opportunity for Hearing on LEA Application, 613(a)(8)*.

The State Plan shall describe procedures to be used to ensure the SEA does not take final action regarding any application submitted by an LEA before the LEA has reasonable notice and opportunity for a hearing.

The following are the procedures which the State of Delaware will use to implement the requirement that final action with respect to any application submitted by an LEA is not taken without first affording the local education agency involved reasonable notice and opportunity for a hearing.

Any local education agency which disagrees with the final action of the State Education Agency regarding that LEA's application for funds under Part B of the Act, may within thirty (30) days request a hearing. Within thirty (30) days of having received such a request, the State Education Agency shall hold a hearing on the record and shall review such final action. No later than ten (10) days after the hearing, the State Education Agency shall issue its written ruling, including reasons therefore. If it is determined that such final action was contrary to federal or state law, or the rules, regulations and guidelines governing such applicable program, it shall rescind such final action.

XIII. Annual Evaluation, 613(a)(11).

The SEA shall provide procedures to be used for evaluating, at least annually, the effectiveness of programs in meeting the educational needs of handicapped children, including the evaluation of IEPs.

As part of the September 30 Special Education Unit Auit, the existence and completeness of Individual Education Programs will be confirmed by Department of Public Instruction staff. Conducted annually, audit team members will examine student records to determine that the following criteria are in place:

1. An appropriate specialist report written within established time limits.

2. The written results of a multidisciplinary team evaluation, if an evaluation indicates the presence of a specific learning disability.

3. An IEP which is currently operating between initiation and duration of service dates.

4. A statement of present level of educational performance.

5. Statements regarding specific special education and related services which are being provided.

6. Annual goals and objectives are developed which are specific and are being implemented.

7. The existence of evaluation criteria and procedures for each objective, with evidence that student progress is being evaluated.

In addition, each Part B Plan/Application is required to contain an evaluation component designed to measure program impact upon handicapped student academic and behavioral performance. No Plan/Application will be approved by Department of Public Instruction staff or members of the Federal Advisory Review Committee without this activity in place. Results of data gathered in response to this requirement will be reported annually to the Department of Public Instruction within sixty (60) days of the termination of each school year.

XIV. Additional Requirements

A. Responsibility of the SEA for All Education Programs, 412(6).

1. The State Plan shall include information which shows that the SEA is responsible for:

a. Ensuring that each public agency in the State providing special education or related services meets the requirements established for this Act.

b. Ensuring that each educational program for handicapped children is under the general supervision of persons responsible for these education programs in the SEA.

c. Ensuring that each educational program meets SEA standards.

Staff of the Exceptional Children/Special Programs Division of the Delaware Department of Public Instruction, as agents of the State Board of Education, are responsible for ensuring that agencies providing special education and related services to handicapped children, do so under the requirements of PL 94-142 and EHA-Part B. Those persons within the SEA who have assigned responsibilities in this regard include the following:

State Director, Exceptional Children/Special Programs Division
State Supervisor, Child Identification/Information Systems

State Supervisor, State Institution Programs

State Supervisor, Instructional Systems

State Supervisor, Special School Programs

State Supervisor, Program Planning and Development

State Specialist, Severely and Profoundly Handicapped Young Children

Through audit, monitoring and evaluation activities, these staff members ensure that education programs for handicapped students meet SEA standards as promulgated in Title XIV of the Delaware Code and the AMPEC.

2. *The Plan shall include a copy of each State statute, regulation, signed agreement or other document which meets the requirement specified in item #1.*

Title XIV, Chapter 31, Subchapter II, §3110 of the Delaware Code states the following:

"(a) The State Board of Education is designated as the State agency that shall make rules and regulations to carry out the provisions of this and other titles relative to the identification, evaluation, education, training and transportation of exceptional persons, including specific definitions for the categories of units for exceptional children authorized for funding in §1703 of this title.

(b) The rules promulgated by the State Board of Education shall provide the criteria by which identified handicapped persons, ages 4 through 20 inclusive, shall be assigned to a public school facility, or if otherwise eligible for admission, to an institution of another State agency, or released for authorized placement in a private school or agency, pursuant to Subchapter III of this chapter."

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In addition, Subpart D. of the AMPEC, states:

D. STATE EDUCATION AGENCY (SEA) RESPONSIBILITIES

1. GENERAL SUPERVISION OF EDUCATION FOR HANDICAPPED STUDENTS

The State Educational Agency (SEA) shall ensure that each educational program for handicapped students administered within the State, including each program administered by any other public agency, is under the general supervision of the persons responsible for educational programs for handicapped students in the State educational agency; and meets education standards of the State educational agency. 34 CFR 300.600.

Documentation of SEA activity in meeting its responsibilities shall be maintained in a manner consistent with effective management procedures. Such documentation shall include, but not be limited to, issues pertaining to: General Supervision, Cooperative Agreements, Complaint/Due Process Procedures, Compliance Monitoring, Project Coordination, Program Evaluation, Comprehensive System of Personnel Development, Dissemination, and Finance/Administration.

2. RESPONSIBILITY FOR STUDENTS IN PRIVATE SCHOOLS

The SEA shall ensure that special education and related services for students in private schools are provided in accordance with the requirements of Subpart I, F, of this Manual. 34 CFR 300.400.

3. SEA COOPERATIVE AGREEMENTS

The Department of Public Instruction shall execute a written cooperative agreement when educational programs are provided in collaboration with other state agency programs to ensure that a free, appropriate public education is provided to all handicapped students who are served by more than one agency. Each cooperative agreement shall be documented, reviewed, and signed by the appropriate agency administrators. The SEA shall ensure that all cooperative agreements are implemented, monitored, and evaluated according to Federal and State standards. Each cooperative agreement shall specify the:

a. Title of the agreement;

b. Parties involved and their authority to provide special education and related services;

c. Purpose of the agreement;

d. Roles and responsibilities of each agency;

e. Access to records and transfer procedures;

f. Implementation, dissemination, and training activities;

g. Funding amounts and sources; 152

h. Compliance monitoring and program evaluation procedures;

i. Reauthorization schedule and negotiation procedures;

j. Signature and title of each agency administrator.

4. COMPLAINT MANAGEMENT PROCEDURES

a. Initiation of Administrative Complaint Management Procedures

When a public agency or private individual or organization makes an allegation of substance about the actions of any district or any other public agency responsible for the education of a handicapped student which is contrary to the requirements of the Education For All Handicapped Children Act, the State Education Agency shall initiate procedures to determine compliance.

b. Any complainant under this section must:

(1) File the complaint in writing with the State Director, Exceptional Children/Special Programs Division, Department of Public Instruction, P.O. Box 1402, Dover, DE 19903.

(2) Include in the complaint the following:

(a) the name of the agency against which the complaint is filed;

(b) the specifics detailing the alleged violation of PL 94-142;

(c) the time frame in which the incident(s) occurred;

(d) a description of any attempts made to resolve the issue(s) prior to filing this action;

(e) name, address, phone number(s) of person(s) filing the complaint and the legal representative, if any;

(f) the signature of the complainant, or his legal representative.

c. Complaints containing the information listed above shall be resolved within 60 days from receipt. A 30-day extension of time requested by the complainant may be granted by the State Director, Exceptional Children/Special Programs Division, for any reasonable circumstance arising with respect to the complaint.

The same extension of time requested by the respondent may be granted by mutual consent of the parties.

d. Following acknowledgment of the complaint to all parties, Exceptional Children/Special Programs Division staff shall interview the complainant and investigate to determine the facts surrounding the complaint. A complaint investigation team shall visit the agency if necessary. The nature and scope of the alleged non-compliance shall be determined, and a report of the findings shall be prepared and sent to the Chief Administrative Officer of the agency, the State Superintendent of Public Instruction, and the complainant.

e. If these findings reveal full compliance, no further action shall be taken.

f. If the findings indicate non-compliance, the following procedures shall be instituted:

(1) The agency shall be presented with the findings and a time frame for corrective action specified by the State Director, Exceptional Children/Special Programs Division.

(2) If the agency agrees with the findings and completes specified corrective action within a time frame specified by the State Director, a follow-up visit by an Exceptional Children/Special Programs Division audit team will be conducted to verify full compliance. A report of the findings will be prepared and sent to the Chief Administrative Officer of the agency and to the State Superintendent of Public Instruction.

(3) Should the agency disagree with the findings of non-compliance and/or the specified corrective action, a conference may be requested by the State Director, Exceptional Children/Special Programs Division or the Chief Administrative Officer of the agency with the State Superintendent of Public Instruction and/or their designees. The conference agenda shall include a review of issues related to the findings of non-compliance and/or specified corrective action. A record of the conference shall be made.

(4) The State Superintendent of Public Instruction shall render a written decision within 30 calendar days to the Chief Administrative Officer of the agency. The decision shall be based solely on the evidence and include a summary of evidence and reason for the decision. If the decision indicates non-compliance, corrective action is required, and a time frame for completion shall be specified.

(5) If needed to resolve the dispute, a hearing before the State Board of Education may be held. Such hearings shall be conducted in accordance with relevant provisions of the Delaware Administrative Procedures Act at 29 Del. C., ch. 101. The agency shall receive within a reasonable time a copy of the State Board of

Education's decision. The decision shall be based solely upon the evidence. Reason(s) for the decision shall be given.

(a) Should the agency accept the decision of the State Board of Education and agree to complete the specified corrective action within a time frame given, then a follow-up visit by the SEA complaint investigation team shall be conducted to verify full compliance attained.

A report of the findings shall be prepared and sent to the Chief Administrative Officer of the agency and to the State Superintendent of Public Instruction.

(b) Should the agency reject the decision of the State Board of Education and refuse to carry out specified remedies, the State Board of Education shall impose sanctions on that agency. Sanctions may include, but are not limited to, the withholding of federal funds designated for handicapped students.

(c) Any party has the right to request the Secretary of the U.S. Department of Education to review the final decision of the State. Judicial review is available when administrative remedies have been exhausted.

5. SEA COMPLIANCE MONITORING

a. The SEA shall carry out a minimum of four administrative responsibilities regarding monitoring of programs for handicapped students. These responsibilities are:

(1) Adoption and use of policies and procedures to exercise general supervision over all educational programs for handicapped students within the State. 14 Del. C. §122; 34 CFR 300.2, 300.3; 300.134, 300.402, 300.600, 34 CFR 76.772(a)(4).

(2) Adoption and use of a method to continuously collect and analyze information sufficient to determine compliance of subgrantees and other agencies providing services to handicapped children within the State with applicable State and federal program operation requirements. 34 CFR 300.402, 300.556, 34 CFR 76.101(3)(1); 76.731, 76.734, 76.772(a).

(3) Adoption and use of a method by which the SEA formally directs that each deficiency identified in program operations (i.e., non-compliance with an applicable State or federal requirement) be corrected by the appropriate agency. 34 CFR 300.556(b)(2), 300.557(b), 300.600(a)(1); 34 CFR 76.701(3)(v), 76.772 (a)(4).

(4) Adoption and use of a method by which the SEA enforces State and federal legal obligations by imposing appropriate sanctions when a public agency fails or refuses to correct a deficiency. 34 CFR 300.194, 34 CFR 76.101(3)(1); 76.783.

b. Scope of SEA Monitoring Authority

(1) The Exceptional Children/Special Programs Division, acting on behalf of the State Board of Education, has the authority to conduct monitoring, including collection and use of both off-site and on-site information.

(2) The State Superintendent, acting on information provided by the Exceptional Children/Special Programs Division, has the authority to compel the correction of deficiencies identified in program operations.

(3) The State Superintendent, acting upon information provided by the Exceptional Children/Special Programs Division, has the authority to enforce legal obligations.

(4) SEA standards relative to special education and related services are applicable to and binding upon all education programs for handicapped students administered within the State.

c. The SEA's method of monitoring shall include:

(1) written monitoring procedures which cover all aspects of State and federal requirements and which are uniformly applied to all public agencies;

(2) identification of deficiencies in program operations by collecting, analyzing, and verifying information sufficient to make determinations of compliance/noncompliance with State and federal requirements;

(3) determination of whether or not each educational program for handicapped students administered within the State, including private schools in which handicapped students are placed by public agencies, meets educational standards of the SEA, the requirements of EHA, Part B and, where applicable, of Educational General Administrative Requirements (EDGAR);

(4) use of other information provided to the SEA through complaints, hearings and court decisions, evaluation and performance reports, and other formally submitted documents to determine if agencies and programs are in need of specific compliance interventions;

(5) monitoring the implementation of any compliance agreement and the investigation of the implementation of any orders resulting from the resolution of complaints filed with the SEA against the agency being monitored;

(6) use of off-site review, on-site review, letters of inquiry, and follow-up or verification of specific activities;

(7) written documentation of each monitoring activity through correspondence and reports;

(8) specification of a reasonable period of time to complete the analysis of information collected for monitoring or evaluation purposes to identify deficiencies of a program or public agency in meeting State and federal requirements and report such deficiencies to the public agency; and, where applicable, of Educational General Administrative Requirements (EDGAR);

(4) use of other information provided to the SEA through complaints, hearings and court decisions, evaluation and performance reports, and other formally submitted documents to determine if agencies and programs are in need of specific compliance interventions;

(9) specification of a reasonable period of time for reaching a determination that a deficiency in program operations exists, and for notifying the agency in writing of required corrective actions;

(10) requirement of a written notice (for example, monitoring report, letter of findings) that:

    (a) describes each corrective action which must be taken, including a reasonable time frame for submission of a corrective action plan;

    (b) requires that the corrective action plan provide for:

        (i) the immediate discontinuance of the violation;
        (ii) the prevention of the occurrence of any future violation;
        (iii) documentation of the initiation and completion of actions to achieve current and future compliance;
        (iv) the time frame for achieving full compliance; and
        (v) the description of actions the agency must take to remedy the identified areas of non-compliance;

(11) specification of a reasonable period of time after receiving a corrective action plan from an agency in which the SEA shall determine whether the corrective action plan meets each of the requirements or if additional information is required from the agency;

(12) specification of a reasonable period of time from the date of the original written notice, in which the SEA shall determine that:

   (a) the agency has submitted an acceptable corrective action plan, which complies fully with all of the requirements; or

   (b) reasonable efforts have not resulted in voluntary compliance.

(13) that a school district or other public agency be given reasonable notice and an opportunity for a hearing with respect to an identified deficiency.

   (a) If the school district or other public agency declines a hearing, the SEA shall reach a final decision of compliance or non-compliance within ten (10) days;

   (b) If the SEA conducts a hearing, the SEA shall reach a final decision of compliance or non-compliance within thirty (30) days after the conclusion of the hearing; or

   (c) If the SEA reaches a final decision of non-compliance (i.e., the school district or other public agency has violated State or federal requirements); the SEA shall:

      (i) make no further payments under Part B to the school district or other public agency until the school district or other public agency submits an acceptable corrective action plan;

      (ii) disapprove any pending school district or other public agency Part B local application, when appropriate;

      (iii) seek recovery of funds, and impose any other sanctions authorized by law.

6. COORDINATION OF PROJECTS AND ACTIVITIES

a. Coordination Required

(1) The SEA and each school district or other public agency shall, to the extent possible, coordinate each of its projects with other activities that are in the same geographic area served by the project and that serve similar purposes and target groups.

(2) The SEA and each school district or other public agency whose project includes activities to improve the basic skills (reading, mathematics, and effective communication, both written and oral) of students, youth, or adults shall, to the extent possible, coordinate its project with other basic skills activities that are in the same geographic area served by the project.

(3) The SEA and each school district or other public agency shall continue their coordination activities during the period that they carry out the project. 34 CFR 100b.580.

b. Methods of Coordination

Depending on the objectives and requirements of a project, the SEA and each subgrantee shall use one or more of the following methods of coordination:

(1) Planning the project with organizations and individuals who have similar objectives or concerns;

(2) Sharing information, facilities, staff, services, or other resources;

(3) Engaging in joint activities such as instruction, needs assessment, evaluation, monitoring, technical assistance, or staff training;

(4) Using the grant or subgrant funds so as not to duplicate or counteract the effects of funds used under other programs;

(5) Using the grant or subgrant funds to increase the impact of funds made available under other programs. 34 CFR 100b.581.

7. SEA PROGRAM EVALUATION

a. Responsibilities

The SEA shall carry out six administrative responsibilities in connection with program evaluation, as follows:

(1) develop, adopt, and use procedures for evaluating, at least annually, the effectiveness of programs in meeting

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the educational needs of handicapped students, including evaluation of IEPs. 34 CFR 300.146;

(2) evaluate the effectiveness of each program in meeting statutory objectives, not less often than once every three years. 34 CFR 76.101(e)(f);

(3) develop and implement a method for correcting the deficiencies identified through program evaluation. 34 CFR 76.101(e)(3)(v);

(4) cooperate in carrying out any evaluation of a program conducted by or for the Secretary of Education or other federal official; 34 CFR 76.101(e)(4).

(5) report to the Secretary of Education the results of required program evaluations, as may be necessary to enable the Secretary to perform his or her duties under the program. 34 CFR 76.101(e)(6)(i);

(6) maintain records of evaluations and afford access to those records as the Secretary may find necessary to carry out his or her duties. 34 CFR 76.101(e)(6)(ii).

b. Evaluation Plan

The SEA shall adopt and implement an annual plan for evaluating the effectiveness of programs in meeting statutory obligations and educational needs of handicapped students, including evaluation of IEPs. The SEA program evaluation plan shall specify:

(1) the individual(s) within the SEA responsible for conducting or coordinating the evaluations;

(2) evaluation questions which address the effectiveness of programs in meeting statutory objectives;

(3) evaluation questions which address the effectiveness of programs in meeting the educational needs of handicapped students, including evaluation of IEPs;

(4) how programs or program components will be selected for evaluation and the number and type of programs to be evaluated;

(5) timelines for planning, implementing, and reporting the evaluation results;

(6) resources for reporting the evaluation information to all involved agencies, State officials, parents, and the general public; and

(7) strategies using evaluation information for policy and resource development aimed at improvement of the programs;

(8) procedures for:

(a) collecting or reviewing program evaluation information to identify deficiencies in meeting federal and State requirements,

(b) requiring correction of identified deficiencies, and

(c) enforcing legal obligations.

c. Cooperation with federal evaluations and reporting to the Secretary

(1) The SEA shall cooperate in carrying out any evaluation of a program conducted by or for the Secretary of Education or other federal official.

(a) Requests received for cooperation in carrying out any evaluation of a program conducted by or for the Secretary of Education or other federal official shall be documented.

(b) Activities conducted in response to such requests shall be documented.

(2) The SEA shall report to the Secretary of Education the results of required program evaluations, as may be necessary to enable the Secretary to perform his or her duties under the program. 76.191 (e)(6)(i). Responses to requests from the Secretary of Education for reports of required program evaluations shall be documented.

(3) The SEA shall maintain records of evaluations and afford access to those records as the Secretary may find necessary to carry out his or her duties. 34 CFR 76.101(e)(6)(ii).

8. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CSPD)

a. The SEA shall implement a Comprehensive System of Personnel Development which includes:

(1) the inservice training of general and special educational instruction, related services, and support personnel. Such inservice training shall include training and technical assistance for ensuring that teachers and administrators in all public agencies are fully informed of their responsibilities in implementing the least restrictive environment requirements and other requirements for special education and related services, 34 CFR 300.555;

(2) procedures to ensure that all personnel necessary to carry out the provision of special education and related services are qualified and that activities sufficient to carry out the personnel development plan are scheduled;

(3) procedures for acquiring and disseminating to teachers and administrators of programs for exceptional children significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices and materials.

b. The SEA shall provide opportunities for all public and private institutions of higher education, and other agencies and organizations, including representatives of handicapped, parent, and other advocacy organizations in the state which have an interest in the education of handicapped students, to participate fully in the development, review, and annual updating of the Comprehensive System of Personnel Development.

(1) The SEA shall conduct an annual needs assessment to determine if a sufficient number of qualified personnel are available in the State, and to determine the training needs of personnel relative to the implementation of federal and State requirements for programs for exceptional students.

(2) The results of the annual needs assessment shall be used in planning and providing personnel development programs.

c. On-going inservice training programs shall be available to all personnel who are engaged in the education of handicapped students. These programs shall include:

(1) use of incentives which ensure participation by teachers, such as released time, payment for participation, options for academic credit, salary step credit, certification renewal, or updating professional skills;

(2) involvement of local staff; and

(3) use of innovative practices which have been found to be effective. 34 CFR 300.380-.387.

9. DISSEMINATION

a. The Exceptional Children/Special Programs Division of the Department of Public Instruction (EC/SP) shall disseminate copies of statutes, regulations, and standards applicable to programs for exceptional students to each local education agency, institution, or organization responsible for carrying

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out the programs. Such dissemination shall include each private school and facility to which a public agency has referred a handicapped student.

b. The EC/SP Division shall also disseminate information on promising programs and practices which may be of assistance to LEAs and other agencies in improvement of education and related services for exceptional students.

c. The State Director, Division of Exceptional Children/Special Programs, or designee, shall be responsible for all dissemination activities. Methods of dissemination may include:

   (1) Notice of any changes in statutes, regulations, or standards applicable to programs for exceptional students shall be issued in writing, with copies to the head of each school district or other public agency and to each supervisor of programs for exceptional students.

   (2) Regular meetings, at least quarterly, of LEA and other agency supervisors of special education programs.

   (3) Annual Leadership Conferences for LEA and other agency staff.

   (4) Technical Assistance papers in current areas of critical concern.

   (5) Learning Resource System publications relative to current issues and promising practices.

   (6) Sharing Best Practices Workshop for administrative and direct service providers held annually and sponsored by the Learning Resource System.

d. All major dissemination efforts shall be documented. Documentation shall include identifying information for the document disseminated, a list of the intended recipients by title and location, and the date upon which dissemination was completed.

e. Periodically, follow-up procedures such as signed receipts and telephone calls will be used to ensure that the intended recipients received the information.

34 CFR 76.101e(3)(iv); 76.301(c)(8)(i)(ii); and 34 CFR 300.384.

*10.*FINANCE AND ADMINISTRATION

a. Child Count Procedures

The SEA shall specify in writing the procedures and forms used to conduct the annual count of students served. Such procedures and forms shall conform to 34 CFR 300.750 through

300.754 and written instructions received from the Office of Special Education and Rehabilitative Services (OSERS).

b. Administration of Funds

Funds for the education of handicapped students shall be administered pursuant to Title 14 of the Delaware Code.

c. Review of LEA Applications

(1) The SEA shall develop and use a review sheet to document that all required EHA-B, EDGAR, and State statutes and regulations have been applied to the review and approval of each LEA Application.

(2) Each LEA shall be notified in writing, using a standard format, of the status of its Application, i.e., approved, not approved, and any conditions which must be met in order for the Application to be approved.

(3) All amendments to an LEA Application shall be reviewed and approved using the same requirements and procedures used for an initial Application.

(4) In the event that the SEA and the LEA cannot negotiate and effect an approved LEA Application, the SEA shall notify the LEA in writing of its right to a hearing and the procedures for obtaining a hearing.

(5) Other SEA Responsibilities

(a) Child Identification, Location and Evaluation

The SEA shall ensure that all handicapped students are identified, located and evaluated, including children in all public and private agencies and institutions in the State, 34 CFR 300.128, by:

(1) providing notice which is adequate to fully inform parents about the requirements for the annual program plan, including:

(aa) a description of the extent to which the notice is given in the native languages of the various population groups in the State;

(bb) a description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;

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(cc) a summary of the policies and procedures which participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and

(dd) a description of all of the rights of parents and children regarding this information, including the rights under Section 438 of the General Education Provisions Act and Part 99 of the Family Educational Rights and Privacy Act of 1974, and implementing regulations.

(ii) publishing the notice or announcing it in newspapers or other media, or both, with circulation adequate to notify parents throughout the State prior to major identification, location or evaluation activities. 34 CFR 300.561.

(b) The SEA shall ensure that the State interagency committees function as set forth in Subpart I.G. for:

- Visually Impaired (I.G.f)
- Hearing Impaired (I.G.g.)
- Deaf-Blind (I.G.h.)
- Autistic (I.G.i)

(c) The SEA shall ensure that students have the transition support set forth in Subpart I.H.3.

(d) The SEA shall develop an interagency agreement with the Family Court regarding notification of school districts or other public agencies about termination of parental rights.

(e) The SEA shall implement the requirements for surrogate parent screening and training as set forth in Subpart I.J.3 and I.J.4.

(f) The SEA shall establish and maintain procedures to ensure the procedural safeguards in Subpart I.K. 1 through 12.

B. SEA Monitoring Procedures

1. *In the general State application, the State Education Agency shall ensure the following:*

a. Monitoring of agencies, institutions, and organizations responsible for carrying out each program, and the enforcement of any obligations imposed on those agencies, institutions and organizations under law, and

b. The correction of deficiencies in program operations that are identified through monitoring.

Department of Public Instruction staff monitor agencies, institutions and organizations responsible for carrying out programs for handicapped students through the vehicle of September 30 Special Education Unit Audits, Project Monitoring On-Site Visitations, Program Evaluation On-Site Visitations, Annual Performance Reports, and End-of-Year Reports. (A new Comprehensive Compliance Monitoring System (CCMS) is currently under development and is being piloted in three districts and one other public agency. The State Program Evaluation System is to be revised during the 1988-89 school year.) Programs for handicapped children are also examined as a component of Delaware's School Improvement Monitoring On-Sites. In all instances, deficiencies noted as a result of these activities are reported to appropriate authorities at the Department of Public Instruction, as well as being contained in a written report addressed to the local chief school officer or agency leader involved. Each LEA/Agency is required to respond with a written plan of action designed to remedy whatever deficiencies have been identified. These plans are referred to for follow-up in subsequent on-sites. In terms of format, on-site reports include the following:

I. INTRODUCTION

1. Dates
2. Participants
3. Report Organization

II. OVERVIEW OF PROGRAM

III. FINDINGS/CORRECTIVE ACTION

2. The Plan shall provide a description of procedures to monitor and evaluate:

a. The effectiveness of procedures undertaken to identify, locate and evaluate handicapped children.

b. Implementation of IEPs.

c. Compliance with procedures for placing handicapped children in private schools, and

d. Placement to ensure that the requirements of 300.550-300.555 are met.

The following addresses State Plan requirements XV. B.2.a. through XV. B.2.d.:

The monitoring and evaluation activities of the State of Delaware are undergoing major revision. Those revisions are in response to corrective action mandated in the March 6, 1986 letter from OSEP following an on-site monitoring visit by OSEP staff in March, 1985. To accomplish this revision, it was necessary to redraft the *Administrative Manual: Programs for Exceptional Children* - a new format of policies and procedures adopted at the March 19, 1987, State Board of Education meeting. The new policies and procedures established an appropriate base on which to build a monitoring and evaluation system. At the time of the drafting of this Plan, pilot testing of a new Comprehensive Compliance Monitoring System was being completed. It is anticipated that the completed CCMS will be in place by September 1, 1987. Draft copies of materials used for pre-site review and for on-site review are attached in Appendix F.

One monitoring activity which will continue basically unchanged is the September 30, Special Education Unit Audit. This activity is conducted by DPI staff during the month of October of each year as part of an agreement between DPI and the State legislature to validate district counts of the number of enrolled handicapped students, by handicapping condition, for State unit funding. At this time, student IEPs are reviewed for completeness of content and student classification procedures examined for thoroughness and accuracy. Materials associated with the September 30, Special Education Unit Audit are attached in Appendix G.

Evaluation activity of DPI is scheduled for revision during 1988-89, with technical assistance being provided through the Mid-South Regional Resource Center, Lexington, Kentucky. It is projected that a Comprehensive Evaluation System will be completed on or about September 1, 1989. In the interim, DPI requires and will monitor and maintain documentation of LEA evaluation of program effectiveness through the Local Operational Plan and LEA subgrant award applications for EHA-B funds.

As published in the Federal Register of August 23, 1977, the Rules and Regulations regarding "Implementation of Part B of the Education of the Handicapped Act" state:

> "*Each State Educational Agency shall:*
>
> a. *Undertake monitoring and evaluation activities to ensure compliance of all public agencies within the State with the requirements of Subparts C (Services), D (Private Schools) and E (Procedural Safeguards).*
>
> b. *Develop procedures (including specific timelines) for monitoring and evaluating public agencies involved in the*

education of handicapped children. These procedures must include:

1. *Collection of data and reports;*

2. *Conduct of on-site visits;*

3. *Audit of Federal fund utilization; and*

4. *Comparison of a sampling of Individualized Education Programs with the programs actually provided."*

In addition, the By-Laws of the Advisory Council for Exceptional Children direct that: "*Council representatives serve as advocates for citizens of Delaware with exceptional needs. In this capacity, representatives shall provide assistance to the State in evaluating the progress of local or State agencies responsible for providing education and related services to exceptional citizens. This assistance shall include developing, reporting and publishing the results thereof with recommendations to any public agency with interests and responsibilities thereto.*"

Governor's Advisory Council for Exceptional Citizens (GACEC) staff will not accompany DPI staff on September 30th enrollment audits, in that this is a specific responsibility assigned to the Department at the request of the State Legislature. GACEC staff are welcome to accompany DPI staff on all monitoring on-site visits, especially where interest in a particular project warrants this activity.

GACEC participation in evaluation procedures is to be defined during 1988-89.

The remaining pages will address the goals, activities, participants, and reports generated with respect to:

1. September 30th enrollment audits

2. Monitoring on-site visitations

3. (Evaluation System undergoing revision during 1988-89)

Sample forms to be utilized are included in Appendix A.

4. Forms Review Checklist
5. Student Profile Sheet (3 pages)
6. CCMS Monitoring Criteria (Sample pages)
7. CCMS Report (Guide)

C. *Policies and Procedures for Use of Part B Funds*

> *The Plan shall include policies and procedures designed to ensure that Part B funds are spent in accordance with provisions of the Act with particular attention given to Sections 611(b), 611(c), 611(d), 612(2), and 612(3).*

SEPTEMBER 30th ENROLLMENT AUDIT

GOALS	ACTIVITIES	PARTICIPANTS	REPORTS
1. To advise School Superintendents as to when DPI audit teams will visit each district	1.1 Prepare memorandum to sent to School Superintendents, informing Chief School Officer as to date of audit. (Attach.#1)	1.1 Memorandum to be prepared by designated DPI Supervisor, to be sent out under Dr. Halton's signature	1.1 None
2. To inform the district's Supervisor of Special Education as to the date, time of arrival, and schools to be visited during the audit	2.1 Audit team chairperson will contact the district's Special Education Supervisor by telephone two days prior to the scheduled audit.	2.1 Audit team chairperson	2.1 None
3. To review school enrollment forms	3.1 Review enrollment forms 2A, 2B, 3A, 3B for September 30th. For one grade level, request to see the forms for all full-time special education students. Compare this data against that found on enrollment forms.	3.1 Audit team members	3.1 Results are to be recorded on class enrollment section of audit worksheet (Attachment #2)
4. To examine a representative sample of student records	4.1 Select approximately a 10% sample of student records, representative of differing handicapping conditions and different classroom teachers.	4.1 Audit team members	4.1 Results are to be recorded on Audit Worksheets (Attachment #2)
5. To debrief building principal or his designee	5.1 Present findings of the audit team. Supply the names of students whose records were incomplete or deficient. A xerox copy of the worksheet may be made at and left with school officials.	5.1 Audit team members	5.1 None
6. To report audit team findings to the Division director	6.1 Audit worksheets will be attached to a memorandum, on which any deficiencies or discrepancies are noted (Attachment #3). Memorandum is to be transmitted no later than two days following audit on-site.	6.1 Audit team leader will prepare memorandum with supportive data from other team members	6.1 Memorandum and supportive data is to be received by Division Director for review.

GOALS	ACTIVITIES	PARTICIPANTS	REPORTS
7. To prepare a September 10th Audit Report for the State Board of Education	7.1 Data gathered by audit teams will be consolidated and compiled into a single report to be prepared for and presented to the State Board of Education.	7.1 Designated DPI Staff member	7.1 Final report will be transmitted through Dr. Halton and Dr. Broyles to the State Board of Education

PL 94-142/PL 89-313 MONITORING ON-SITE VISITATIONS

GOALS	ACTIVITIES	PARTICIPANTS	TIMELINE
1. To conduct pre-audit monitoring procedures.	1.10 Call EC Supervisor: (1) Request a list of EC teachers and evaluation specialists (by name, exceptionality, position). The list should include all personnel employed and contracted and should be sent as soon as possible. (2) Also, request a school map.	Team Leader	6 weeks pre-onsite
	1.15 Send memo to staff to solicit pre-monitoring staff concerns.	Team Leader	6 weeks pre-onsite
	1.20 Gather MIS Data: Certification/Demographic Data on Race/Exceptionality.	Team Leader	5 weeks pre-onsite
	1.25 Schedule and conduct pre-CCMS team meeting: - District concerns. - Review of all data. - Input on programs. - Administrative concerns. (travel, etc.) - Select schools for onsite review.	Team Leader Team Members	5 weeks pre-onsite
	1.30 Prepare school selection memo listing schools and projects to be monitored and staff members participating in CCMS.	Team Leader	3 weeks pre-onsite
	1.35 Send memo for collection of projects/documents and amendments.	Team Leader	3 weeks pre-onsite
	1.40 Complete charts for pre-onsite staff meeting.	Team Leader	2 weeks pre-onsite
	1.45 Contact district EC administrator: Discuss general onsite activities (schedule will be given at entrance interview).	Team Leader	2 weeks pre-onsite

GOALS	ACTIVITIES	PARTICIPANTS	TIMELINE
	1.50 Schedule district level interviews: - Obtain names, official titles, and terminology unique to district. - Set up time schedule. - Plan meeting with SE administrator after entrance interview (include others, if desirable).		
	1.55 Discuss contact persons for projects: - PL 94-142 - Title Chapter 1 - Handicapped (PL 89-313) - PL 94-142 Preschool Incentive Grant Set a time for exit interview. SE administrator may include other people.		
	1.60 Collect financial data for project to be audited.	Team Leader	2 weeks pre-onsite
	1.65 Send pre-onsite memo to team members (names, official titles, and terminology to be used in audit report, onsite schedule, travel arrangements.)	Team Leader	2 weeks pre-onsite
	1.70 Distribute work sheets to team members; complete all preparation tasks.	Team Leader	1 week pre-onsite
	1.75 Verify onsite schedule.		
	1.80 Distribute pre-onsite material: - Charts 1-3 - Map of schools, if available - Listing of schools from Educational Directory		

GOALS	ACTIVITIES	PARTICIPANTS	TIMELINE
	1.00 Continued - [illegible] - Onsite master schedule to team - Projects and amendments - List of teachers and evaluation personnel - Audit follow-up report (previous audit for follow-up) - Profile Sheet A (pre-school consultant) - Audit manuals for all components.		
	1.05 Phone call by team leader to DI administrator giving onsite schedule (if possible).	Team Leader	2 days pre onsite
	1.90 Any change in team members' schedules should be reported to the team leader.		
2. To conduct onsite monitoring procedures.	2.10 Participate in entrance interview.	Team	Day 1
	2.15 Conduct interviews with DI supervisor, psychologists, designees, area directors, supervisors, finance officer, principals, and others as appropriate.	Team Leader and Members, as appropriate	Day 1 through __
	2.20 Conduct interviews with principals, guidance counselors, and teachers.	Team Leader and Members, as appropriate	Day 1 through __
	2.25 Review personnel data.	Team Leader	Day 1 through __
	2.30 Complete students record profiles.	Team Members	Day 1 through __
	2.35 Observe in DI classrooms.	Team Members	Day 1 through __

GOALS	ACTIVITIES	PARTICIPANTS	TIMELINE
	2.40 Administer follow-up audit	Team Member	Day 1 through __
	2.45 Attend team meeting.	Team Members	1 day prior to exit conference
	2.50 Provide team leader with Exit Conference/Monitoring Summary.	Team Members	1 day prior to exit conference
	2.55 Participate in exit interview.	Team Leader and Members	
3. To conduct post-site monitoring procedures.	3.1 Report writing.	Team Members	1st week post-onsite
	3.2 Attend post-onsite meeting.	Team Leader	
	3.3 Word process preliminary report.	CEMS Word Processor	2nd week post-onsite
	3.4 Technical and policy review.	Director; Team Members	3rd week post-onsite
	3.5 Revise report and submit to Director.	Team Leader	3rd week post-onsite
	3.6 Collect, package, and file work papers.	Team Leader	4th week post-onsite
	3.7 Mail preliminary report to district.	Team Leader	4th week post-onsite

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PL 94-142/PL 89-313 MONITORING ON-SITE VISITATION

GOALS	ACTIVITIES	PARTICIPANTS	TIMELINE
	TO BE REVISED DURING 1988-89. During interim, DPI will require, monitor, and maintain documentation of LEA evaluation of program effectiveness through the Local Operational Plan and LEA subgrant award applications for EHA-B funds.		

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It is the policy of the State Board of Education that funds paid to Delaware under Part B of the Act are spent in accordance with the provisions of Part B, with particular attention given to the sections listed in the preceding paragraph.

The sum of $350,000 will be utilized by the State for administrative costs related to carrying out Sections 612 and 613 of the Act. Twenty-five percent (25%) of the funds, minus the $350,000 for administration, will be used in accordance with the provision of direct or supportive services to meet the needs of unserved and underserved children within each handicapping condition. Seventy-five percent (75%) of the funds will be distributed to local education agencies for use in accordance with the priorities as stated. Consolidated applications will be required from local education agencies whose entitlement is less than $7,500. Each local education agency must submit an application for funds which meets the requirements of Section 614.

Each local education agency shall be entitled to an amount of Part B funds which bears the same ratio to the total amount available as the number of handicapped children aged three to twenty-one receiving special education and related services , in all local education agencies which apply to the State education agency for funds under Part B. The State of

Delaware has developed procedures which set forth, in detail, that which the State undertakes to ensure that the requirements of Section 613(2), (A), (B), (C), (D) and (E) are met.

As provided in Section 612(3), the State has established priorities and time tables for providing a free appropriate public education to all handicapped children. These priorities are as stated in the Act, first with respect to handicapped children who are not receiving an education, and second, with respect to handicapped children within each disability with the most severely handicapped who are receiving an indadequate education.

The following Data are offered as an example of pass-through funds were allocted to each eligible local education agency for FY '87:

District	Dec. '86 Child Count	Amount/Child	Entitlement
Appoq.	384	$ 209	$ 80,256.
Brandywine	1133		$236,797.
Caesar Rod.	539		$112,651.
Cape Henlop.	556		$116,204.
Capital	728		$152,152.
Christina	1666		$348,194.
Colonial	1186		$247,874.
Delmar	75		$ 15,675.
DSCYF (Ferris)	146		30,514.
Indian River	705		$147,345.
Lake Forest	526		$109,934.
Laurel	239		$ 49,951.
Milford	537		$112,233.
NCCVT	337		$ 70,433.
Red Clay	1439		$300,751.
Seaford	521		$108,889.
Smyrna	387		$ 80,883.
Woodbridge	323		$ 67,507.

D. Additional Information if Sea Provides Direct Services

1. The SEA provides free appropriate public education for handicapped children or provides handicapped children with direct services. The SEA does not provide direct services except through Project ISSUES, which is a home intervention program for 0-4 year old children. Therefore, the requirements of 300.151 are not applicable.

E. Implementation Procedures

Describe the procedures the SEA follows to inform each public agency of its responsibility for ensuring effective implementation of procedural safeguards for the handicapped children served by the public agency.

The procedure utilized by the SEA to inform public agencies of their responsibility in terms of procedural safeguards is through the AMPEC Subsections I.K.1. through I.K.12., reading as follows:

K. PROCEDURAL SAFEGUARDS

Each school district and other public agency shall adopt and implement procedures which protect the rights of exceptional students, as required by this section.

1. REMEDIES AVAILABLE

   a. Relationship to Local Procedures

      It is desirable that mutual concerns be discussed and resolved informally by the affected parties and in accordance with local procedures. These informal procedures in no way limit the right to redress through procedures set out in Subsections b. and c. of this Section.

b. Availability of Due Process Hearings

A parent or district or any other public agency responsible for the education of the student may initiate a due process hearing, in accordance with Sections 5 through 11 of this Subpart, where the district or any such public agency:

(1) proposes to initiate or change the identification, evaluation, or educational placement of the student, or the provision of a free, appropriate public education to the student;

(2) refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student;

(3) denies, in whole or in part, a right or entitlement conferred by 14 Del. C., ch. 31.

c. Availability of Administrative Complaint Procedures

A public agency or private individual or organization with an allegation of substance about the actions of any district or any other public agency responsible for the education of a handicapped student which is contrary to the requirements of the Education For All Handicapped Children Act may request the State Education Agency to initiate the procedures set out in Section I, O, 4 to determine compliance.

d. Non-Exclusivity of Remedies

The remedies identified in Subsection b. and c. of this section should not be viewed as exclusive. In certain contexts, other remedies created by law or local district practice may be available, (e.g. Handbook For Delaware Schools K-8; Handbook for Secondary Schools.)

2. OPPORTUNITY TO EXAMINE RECORDS AND EDUCATIONAL PROGRAM

a. The parents of a handicapped student, either personally or through a representative, shall be afforded a reasonable opportunity to inspect and review all relevant records with respect to:

(1) the identification, evaluation, and educational program and placement of the student, and

(2) the provision of a free, appropriate public education to the student. 14 Del. C. §3130 (a); 34 CFR 300.502.

b. The parents shall have the right to obtain copies of all records except the actual evaluation or examination instruments described in Subpart B of Part I of this Manual.

c. Such copies shall be provided without charge, or, at the discretion of the district or State agency, at a fee not to exceed the actual cost of the copies. Under no circumstances shall a fee be assessed which effectively prevents parents from exercising their right to inspect, review, and copy records. 14 Del. C. § 3130(b).

d. All requests for access to such records shall be made pursuant to Subpart L. of Part I of this Manual. 34 CFR 300.562-300.569.

e. The parents of a handicapped student shall have the right to visit and observe, either personally or through a representative, their child's participation in the current or proposed educational program, provided that the district may require advance notice of such visit. 14 Del. C. § 3130 (c).

3. NOTICE OF CHANGE OR REFUSAL TO CHANGE PLACEMENT

Prior notice is required whenever a district or any other public agency proposes to initiate or change, or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free, appropriate public education to the student. Written notice must be sent to parents of handicapped students no less than ten (10) working days before implementation of such action. By mutual agreement between parents and agency, immediate action may be initiated, or action may be postponed.

a. The notice shall include:

(1) A full explanation of all of the procedural due process safeguards available to the parents under State and federal regulations;

(2) A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected;

(3) A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal; and

(4) A description of any other factors which are relevant to the agency's proposal or refusal. 14 Del. C. §3134; 34 CFR 300.505(a).

b. Language of Notice

The notice shall be:

(1) Written in language understandable to the general public; and

(2) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. 34 CFR 300.505(b).

(3) If the native language or other mode of communication of the parent is not a written language, the district or any other public agency shall take steps to ensure that:

  (a) notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

  (b) the parent understands the content of the notice; and

  (c) there is written evidence that the requirements of Subsections a. and b. of this section have been met. 34 CFR 300.505(c).

c. Subsequent Notification

Notice for reevaluation and continued placement in special education shall be in accordance with Subsections a. and b. of this section. Documentation of attempts to notify the parent(s) or the district or any other public agency shall be maintained.

4. PARENT CONSENT

a. Parent consent means:

(1) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;

(2) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes the activity and lists the records, if any, which will be released, and to whom they will be released; and

(3) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked by the parent at any time. 34 CFR 300.500.

b. Parent Consent Required

Parent consent shall be obtained before:

(1) conducting an initial individual student evaluation, and

(2) initially placing a handicapped student in a program providing special education and related services.

Except for initial individual student evaluation and initial placement, consent may not be required as a condition of any benefit to the parent or student. 34 CFR 300.504.

c. Consent Refused

A parent's refusal of consent for initial individual student evaluation or initial placement may be appealed by the district or any other public agency utilizing the hearing procedures found in Sections 5 through 11 of this Subpart. If the hearing panel upholds the district or any other public agency, the agency may evaluate or initially provide special education and related services to the student without the parent's consent, subject to the parent's right to a civil action. 34 CFR 300.504.

5. DUE PROCESS PROCEDURES

a. Initiation of Hearing Procedures

A request for a Due Process Hearing shall be made in writing to the State Superintendent of Public Instruction. The request must be made no later than 30 days following the date on which the final disputed decision regarding either a student's identification, evaluation, or educational placement or the provision to a student of a free, appropriate public education was made known in writing to all parties. 34 CFR 300.504; 300.506.

b. Legal Services

The State Superintendent's response to the request for a hearing shall include a statement that information regarding free or low-cost legal services is available. 14 Del. C. § 3135; 34 CFR 300.506(c).

c. Constitution of the Due Process Hearing Panel

(1) The State Superintendent of Public Instruction shall appoint an impartial hearing panel comprised of:

(a) one attorney, admitted to practice in the State;

(b) one educator who is, or has been, fully certified in the area of special education as a director, supervisor, principal or teacher, or who has been a post-secondary educator in the area of programs for handicapped students; and

(c) a layperson with demonstrated interest in the education of the handicapped included on an approved list compiled by the Governor's Advisory Council for Exceptional Citizens and submitted to the State Superintendent of Public Instruction.

(2) The attorney member shall act as chairperson for the panel, shall preside at all hearings, and shall write the final decision of the Due Process Hearing Panel. Any decision must be concurred in by two members of the Due Process Hearing Panel. In those cases where the chairperson holds a minority opinion, the educator member shall write the decision. Any member holding a minority opinion may write a separate report, which shall be attached to the decision.

(3) A Due Process Hearing Panel member:

(a) shall have taken part in training provided to familiarize him/her with State and federal laws and regulations, due process procedures regarding the education of handicapped students, and procedures relative to the conduct of a hearing;

(b) shall not be an employee of the district or any other public agency which is involved in the education or care of the student (except that a person who otherwise qualifies as a hearing panelmember is not an employee of the agency solely because he or she is paid by the agency to serve in that capacity), 34 CFR 300.507(a)(1); and

(c) shall not be a person having a personal or professional interest which would conflict with his or her objectivity in the hearing. 34 CFR 300.507(a)(2).

14 Del. C. §3137.

6. REGISTRY OF DUE PROCESS HEARING PANEL MEMBERS

The State Director, Exceptional Children/Special Programs Division, Department of Public Instruction, shall keep a list of persons who may serve as Due Process Hearing Panel members. The list must include a statement of the qualifications of each of those persons. Panel members shall be appointed on a rotating basis. 34 CFR 300.507(c).

7. HEARING RIGHTS

a. The hearing panel shall ensure that parents who have requested a hearing have been advised of their procedural rights.

b. The hearing shall be scheduled by the chairperson of the Due Process Hearing Panel and shall be conducted at a time and place which is reasonably convenient to the parties involved.

c. Any party to a hearing has the right to:

(1) be accompanied and advised by counsel or by individuals with special knowledge or training with respect to the problems of handicapped students;

(2) present evidence, confront, cross-examine and compel the attendance of witnesses;

(3) prohibit the introduction at the hearing of:

(a) any evidence that has not been disclosed to the parties at least 5 calendar days before the hearing;

(b) testimony of any witness whose identity has not been disclosed to the parties at least 5 calendar days before the hearing. 34 CFR 300.507(a);

(4) obtain a written or electronic verbatim record of the hearing at public expense. 14 Del. C. § 3131.

(5) receive a written decision which includes the following parts:

(a) statement of issues;

(b) summary of the proceedings;

(c) summary of evidence;

(d) findings of facts;

(e) conclusions of law; and

(f) summary of the issues on which the parties have prevailed.

d. Parents involved in a hearing have the right to:

(1) have the student who is the subject of the hearing present, and

(2) open the hearing to the public. 34 CFR 300.508(b).

e. The district shall inform the parent of any free or low-cost legal and other relevant services available in the area if:

(1) the parent requests the information; and

(2) the parent or the district initiates a hearing under Sections 5 through 11 of this subpart. 34 CFR 300.506.

f. Any testimony presented at a hearing authorized by this section shall be under oath of affirmation.

8. ISSUANCE OF SUBPOENAS

a. Authority to issue subpoenas is conferred upon the State Superintendent of Public Instruction, or his designee, in order to implement the hearing process.

(1) Upon application of any party, at least twelve days prior to hearing, a subpoena shall be issued, requiring the attendance of the person or persons listed in the application.

(2) If a person subpoenaed to attend a hearing fails to obey without reasonable cause, or if such a person in attendance refuses, without lawful excuse, to be examined or to answer pertinent questions, an application may be filed with the Family Court for a rule to show cause why such person should not appear or testify. Upon return of the rule, the Court shall examine such person under oath, and if the Court shall determine, after giving such person an opportunity to be heard, that he refuses without legal excuse to attend or testify at the hearing despite the subpoena, the Court may order such person to comply therewith. Any failure to obey the order may be punished as a contempt of the Family Court, pursuant to the Rules of the Family Court.

9. DECISION OF THE DUE PROCESS HEARING PANEL

a. The Due Process Hearing Panel shall reach a final decision, recording of the vote of each panelist, and shall send a copy via certified mail, return receipt requested, to each of the parties or their representatives within 45 calendar days of the receipt of the request for the hearing by the State Superintendent. The Chairperson of the Due Process Hearing Panel shall forward a copy of its final decision to the State Director, Exceptional Children/Special Programs Division, Department of Public Instruction, who shall, after deleting any personally identifiable information, forward the decision to the Chairperson of the Governor's Advisory Council for Exceptional Citizens. 14 Del. C. § 3136.

b. The Chairperson of the Due Process Hearing Panel shall establish a timeline for the hearing process. The Due Process Hearing Panel, for good cause, may grant specific extensions of time beyond the 45 day limit at the request of either party; provided, however, that a final decision shall be reached and a copy of the decision mailed to each of the parties within fifteen days of the date for the hearing, or where applicable, within fifteen days of the completion of post-hearing argument.

c. The burden of proof and persuasion in any proceeding convened hereunder shall be on the district or State agency which is a party to the proceedings. 14 Del. C. § 3140.

10. FINALITY OF DECISION AND APPEAL

a. A decision made by a Due Process Hearing Panel is final, subject to appeal set out in Subsections b and c.

b. Any party aggrieved by the decision of the Due Process Hearing Panel may file a civil action in the Family Court or Federal Court. Such proceedings shall be initiated by the filing of a complaint within thirty days of the date of the decision.

c. In any action brought under this section, the Court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and basing its decision on the preponderance of the evidence, shall grant such relief as the Court determines appropriate.

d. On receiving the certification of the Court on appeal, the State Superintendent of Public Instruction, or his designee, shall certify and file with the Court the record of the administrative hearing, which shall include all documents submitted, a transcript of all testimony, and the decision of the hearing panel. 14 Del. C. §§ 3141, 3142.

11. ATTORNEY'S FEES

a. Reserved

12. STUDENT'S STATUS DURING PROCEEDINGS

a. During the pendency of any administrative or judicial proceeding regarding a complaint, unless the district or any other public agency responsible for the education of the student and the parents of the student agree otherwise, the student involved in the complaint shall remain in his or her present educational placement.

b. If the complaint involves an application for initial admission to public school, the student, with the consent of the parents, shall be placed in the public school programs until the completion of all the proceedings. 14 Del. C. §3143; 34 CFR 300.513.

c. The district or public agency responsible for the education of the student is not precluded from using its normal procedures for dealing with students who are endangering themselves or others or who are so disruptive that their behavior substantially interferes with the right of other students in the class to learn.

XV. Confidentiality, 612.

The State Plan shall address confidentiality of information through the inclusion of policy statements or statutes which are applicable to the following:

1. Policy statement includes a provision that notice is given to parents about the requirements related to the identification, location and evaluation of handicapped children under 300.128 which includes:
   a. A description of the extent to which notice is given in native languages of population groups in the State.
   b. A description of children on whom personally identifiable information is maintained.
   c. The types of information sought.
   d. The methods the State uses in gathering the information, including sources from whom information is gathered.
   e. Uses made of the information.
   f. A summary of policies and procedures which participating agencies must follow regarding storage, disclosure to third parties, retention and destruction of personally identifiable information, and
   g. A description of all the rights of parents and children regarding this information under Section 438 of the General Education Provisions and Part 99 of the Title.

2. State Policy includes a provision that before any major identification, location, or evaluation activity, a notice such as the one described in #1 appears through public media.
3. Policy includes a provision that each participating agency shall permit parents to inspect and review any educational records relating to their children which are:
    a. collected,
    b. maintained, or
    c. used by the agency.
4. The right to inspect and review education records includes:
    a. A provision that a participating agency respond to reasonable requests for explanations and interpretations of records;
    b. A provision that the participating agency provides copies of records containing the information if failure to provide copies would effectively prevent the parent from exercising the right to inspect and review records;
    c. A provision that representatives of the parent have the right to inspect and review records; and
    d. A provision affording parents an opportunity to review all records related to the identification, evaluation and placement of a child and the provision of FAPE.
5. If a parent requests to inspect or review records, the agency involved:
    a. Complies with the request before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the child, and

    b. Complies with the request within no more than 45 days.

6. The policy states that an agency may presume that the parent has the authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under State law governing such matters as guardianship, separation or divorce.

7. Policy requires that agencies keep a record of parties obtaining access to educational records collected, maintained, or used under this law (except by authorized employees of the agency and parents).

8. The record of access described in #7 shall include:
    a. Date access was given, and
    b. The purpose for which the party is authorized to use the records.

9. Policy provides that parents have the right:
    a. To review and inspect only the information relating to their child, or
    b. To be informed of that specific information.

10. Policy provides that agencies shall provide to parents upon request a list of the types and locations of education records collected, maintained or used by the agency.

11. Policy provides that a participating agency:
    a. May charge a fee for copies of records if the fee does not effectively prevent the parents from exercising their right to inspect and review the records, but
    b. May not charge a fee to search for and retrieve information.

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12. If a parent feels that information in education records is inaccurate, misleading or violates the rights of the child, he/she may request that the participating agency amend the records.

13. If an agency receives a request of the nature described in #10, policy provides:

    a. The agency shall decide to amend the information in accordance with the request within a reasonable period of time, or

    b. The agency may refuse to amend the information and inform the parent of refusal, and

    c. If the agency refuses to amend the information, the agency must advise the parents of his/her hearing rights.

14. Policy states that, upon request, the agency shall provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child.

15. If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing.

16. If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parents of the right to place in the records it maintains on the child, a statement commenting on the information

or setting forth any reasons for disagreeing with the decision of the agency.

17. Policy requires that any explanation placed in the records of the child:

    a. Be maintained by the agency as part of the record as long as the record or contested portion is maintained by the agency, and

    b. If the records of the child or the contested portion is disclosed by the agency to any party, the explanation must be disclosed to the party.

18. A hearing held under this part per item 14, must be conducted according to the procedures under Section 99.22 of this Title.

19. Policy provides that parental consent must be obtained before personally identifiable information is:

    a. Disclosed to anyone other than officials of participating agencies collecting or using this information (subject to Item 20), and

    b. Used for any purpose other than meeting a requirement under this part.

20. Subject to Part 99, an educational agency or institution may not release information from educational records to participating agencies without parental consent, unless otherwise authorized to do so.

21. Includes policies and procedures which are used in the event that a parent refuses to provide consent under this section.

22. Policy provides that each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.

23. Policy provides that one official at each participating agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information.

24. Policy requires that all persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under this part.

25. Policy provides that each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

26. Policy provides that the public agency shall inform parents when personally identifiable information collected, maintained or used under this section is no longer needed to provide educational services to the child.

27. Policy requires that information must be destroyed at the request of parents (except that the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation).

28. State policy and procedures include a description of the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of the disability.

29. *The State Plan describes the methods which the State uses to ensure that its policies and procedures are followed and that the requirements of Part B and the Part B regulations are met.*

By approval of this State Plan, the State Board of Education provides the following policy applicable to those agencies providing special education and related services to handicapped children which receive Part B funds, with respect to protecting confidentiality and personally identifiable information:

I. Notice

   A. Prior to the implementation of any major identification, location, or evaluation activity, a notice will be provided for parents through public media, relating to the identification, location and evaluation of handicapped children. Notification shall be published in English and Spanish in those areas of the State having citizens for whom Spanish is the primary language, and shall include:

      1. A description of those children on whom personally identifiable information is maintained.
      2. The types of information sought.
      3. The method to be used in gathering information, including those sources from whom information is gathered.
      4. Uses to be made of the information.

5. A summary of policies and procedures regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information, and

6. A description of all parent and student rights regarding such data.

II. Access Rights

A. Each participating agency shall permit parents, or their authorized representatives, to inspect and review educational records relating to their children which are collected, maintained, or used by the agency. Agencies shall respond to reasonable requests for and interpretation of records, including all records relating to the identification, evaluation, placement, and provision of a free, appropriate education for a handicapped child. Copies of records containing information requested shall be provided by participating agencies if failure to provide copies would effectively prevent the parent from exercising the right to inspect and review records.

B. Agencies shall comply with a parent request to review or inspect records prior to any meeting regarding an individualized education program, before any hearing relating to the identification, evaluation and placement of the child, or within 45 days, whichever occurs first. Participating agencies may presume that a parent has the authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under State law governing such matters as guardianship, separation, or divorce.

C. A record of parties obtaining access to educational records collected, maintained, or used, except access by authorized employees of the agency and parents, shall be kept by participating agencies. The record of access shall include the date access was given, and the purpose for which the party is authorized to use such records.

D. Parents have the right to review, inspect, or to be informed of only that specific information relating to their child. Upon request, agencies shall provide to parents a list of the types and location of education records collected, maintained, or used by the agency, and may charge a fee for copies of records if the fee does not effectively prevent the parents from exercising their right to inspect and review same. However, a fee may not be charged for the purpose of searching for and retrieving information.

III. Hearing Rights

A. If a parent feels that information contained in education records is inaccurate, misleading, or violates the rights of the child, he/she may request that the participating agency amend the records. Upon receipt of the request to amend, the agency shall decide to amend the information in accordance with the request within a reasonable period of time, or the agency may refuse to amend the information, and shall inform the parent of the refusal. If the agency refuses to amend the information, the agency must advise the parent of his/her hearing rights, and upon request, shall provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. The following procedures shall be adhered to in the conduct of such a hearing:

1. The hearing shall be held within a reasonable length of time. The parent shall be given notice of the date, time and place in advance of the hearing.
2. The hearing shall be conducted by a party who does not have a direct interest in the outcome.
3. The parent shall have the opportunity to present relevant issues and be assisted or represented by individuals of their choice, or an attorney at the parent's expense.
4. The agency shall make a decision in writing within a reasonable time after the conclusion of the hearing.
5. The decision shall be based solely on evidence and shall include a summary of the evidence and reasons for the decision.
6. A tape recording or other verbatim record of the hearing shall be made. A copy of such record will be made available to the parent upon request.

7. Parents may appeal an agency's decision, through the State Superintendent of Public Instruction, for the purpose of conducting a State-level hearing. Upon written request by the parent for a State level review, the transcribed tape or other verbatim report shall be forwarded to the State Superintendent of Public Instruction by the agency.

8. If, as a result of a hearing, the agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing.

C. If, as a result of a hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records the agency maintains on the child, a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency. Any such statement shall be maintained by the agency as part of the record as long as the record or contested portion is maintained by the agency. If the records of the child, or the contested portion is disclosed by the agency to any party, the explanation must also be disclosed to the party.

IV. Parental Consent

A. Parental consent must be obtained before personally identifiable information is disclosed to anyone other than officials of participating agencies collecting or using such information, or when information is used for any purpose other than that for which it was gathered. Educational agencies or institutions may not release information from educational records to participating agencies unless otherwise authorized to do so. In the event that a parent refuses to provide consent for the collection, maintenance or release of data, those hearing procedures referenced in Section VI.8. of this State Plan shall be implemented.

V. Safeguards

A. Each participating agency shall protect the confidentiality of personally identifiable information at the collection, storage, disclosure and destruction stages, the responsibility for same to be assumed by one official at each participating agency.

B. All personnel collecting or using personally identifiable information shall receive training or instruction to ensure their full understanding of the rights of the child and parents to the confidential maintenance of records, including State and Federal Regulations regarding the confidential maintenance of information.

C. Each participating agency shall maintain for public inspection, a current listing of names and positions of those employees within the agency who may have access to personally identifiable information.

VI. Destruction of Data

A. When personally identifiable data which has been collected, maintained, or used is no longer required in order to provide educational services to the child, the agency shall so inform parents. Upon notification of same, parents may request that the information be destroyed.

B. The student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained by the agency without time limitation.

C. No child's school record will be destroyed without notification to the child, if over the age of majority, or to the parent, if the child is under the age of majority. An opportunity shall be provided for same to request a copy of such records for personal retention.

VII. Children's Rights

A. The State of Delaware shall assure that all rights indicated in this section with regard to parents shall pass to the child upon reaching age 18, except in the case of a handicapped child who is legally determined to be incompetent to make such a decision for himself, and for whom legal guardianship is required beyond the age of majority. In these instances, the legally established guardian shall maintain the rights to privacy as outlined in this document.

VIII. Enforcement

The following procedures shall be implemented when either routine program monitoring or a complaint indicates that there is a question of agency compliance with the confidentiality requirements as presented in this State Plan.

A. Following notification of the agency, an SEA audit team will visit that agency to determine the nature and scope of the possible non-compliance. A report of the findings will be prepared and sent to the Chief Administrative Officer of the agency and to the State Superintendent of Public Instruction; and in the case of a complaint, a copy of the report will also be sent to the complainant.

B. If the finding reveals full compliance, no further action is taken.

C. If the findings indicate non-compliance, the following procedures are instituted:

   1. The agency agrees with the findings and completes specified corrective action within a time frame specified by the SEA. A follow-up visit by the SEA audit team will be conducted to verify full compliance. A report of the findings will be prepared and sent to the Chief Administrative Officer of the agency and to the State Superintendent of Public Instruction.

   2. Should the agency disagree with the finding of non-compliance and/or specified corrective action, a conference requested by the SEA of the Chief

Administrative Officer of the agency and the State Superintendent of Public Instruction and/or their designees will be held. A record of the conference will be made.

3. A written decision by the State Superintendent of Public Instruction will be rendered within a reasonable time to the Chief Administrative Officer (CAO) of the agency. The decision shall be based solely on the evidence and include a summary of evidence and reason for the decision. If the decision indicates non-compliance, corrective action is required, and a time frame for completion will be specified.
4. If the agency accepts the decision and institutes the specified corrective action, a follow-up visit by the SEA audit team will be conducted to verify that full compliance has been attained. A report of the findings will be prepared and sent to the Chief Administrative Officer of the agency and to the State Superintendent of Public Instruction.
5. If the agency disagrees with the decision of the State Superintendent of Public Instruction, a State Board of Education hearing to review the decision will be requested by the State Superintendent of Public Instruction.
6. The State Board of Education hearing will be conducted for the purpose of determining agency compliance with

the confidentiality section of this State Plan. The State Board of Education hearing procedures previously established will be followed.

The agency will receive within a reasonable time a copy of the State Board of Education's decision. The decision shall be based solely upon the evidence. Reason for the decisions shall be given.

7. Should the agency accept the decision of the State Board of Education and agree to complete the specified corrective action within a time frame given, then a follow-up visit by the SEA audit team will be conducted to verify full compliance attained.

   A report of the findings will be prepared and sent to the Chief Administrative Officer of the agency and to the State Superintendent of Public Instruction.

8. Should the agency reject the decision of the State Board of Education and refuse to carry out specified remedies, the State Board of Education shall impose sanction on that agency. The sanction may include, but is not limited to: withdrawal of all federal funds designated for handicapped children.

9. The decision of the State Board of Education may be appealed for judicial review.

IX. Maintenance by SEA of Personally Identifiable Data

The SEA may retain personally identifiable data such as, but not limited to State Private Placement Tuition Aid records, program monitoring and financial audit records. This data is stored in locked files at the Department of Public Instruction. All previously delineated procedures concerning confidentiality are applicable to this data also.

An exception to the Section 6, destruction procedures, is hereby noted. It is necessary to maintain existing Private Placement Tuition Aid records for the duration of proceedings of Civil Action.

PART II - SUBSTANTIVE REQUIREMENTS

B. DESCRIPTION OF USE OF PART B FUNDS

I. State Allocations

The following information is presented with regard to anticipated State use of Part B funds for FY 1988.

1. *A list of each administrative position paid in whole or in part with Part B funds.*
2. *A description of the duties of each person paid in whole or in part with Part B funds.*
3. *For each State position, the percentage of salary paid with Part B funds.*

Administrative Position: State Supervisor, Child Identification/ Information Systems
Description of Duties: To supervise and administer all activities receiving Part B funds.
Percentage of Salary from Part B: 100%

Administrative Position: State Supervisor, Program Planning
Description of Duties: Coordinator of private placement, due process, administrative complaint, and surrogate parent program.
Percentage of Salary from Part B: 70%

Administrative Position: State Supervisor, Instructional Systems
Description of Duties: Plans and coordinates a consortium of statewide child service projects with a focus on the orthopedically handicapped.
Percentage of Salary from Part B: 50%

Administrative Position: State Supervisor, Instructional Systems
Description of Duties: Plans and coordinates the Comprehensive System of Personnel Development (CSPD) Program Statewide.
Percentage of Salary from Part B: 100%

Administrative Position: State Director, Exceptional Children/ Special Programs Division
Description of Duties: Responsible for statewide activities concerning PL 94-142, PL 89-313, Chapter I, Migrant, and Adult Basic Education.
Percentage of Salary from Part B: 50%

Administrative Position: State Supervisor, Vocational Education/ Exceptional Children Programs
Description of Duties: Cooperative program development and implementation with special education supervisors as relates to vocational education for handicapped students.
Percentage of Salary from Part B: 50%

Administrative Position: State Supervisor, Special School Programs
Description of Duties: Coordinates special school programs and maintains responsibility for statewide inservice activities and the Comprehensive System of Personnel Development.
Percentage of Salary from Part B: 50%

Administrative Position: State Supervisor, School Federal Funds
Description of Duties: Review, approve, prepare reports on, and fiscally supervise the budgets for approximately 250 federal projects.
Percentage of Salary from Part B: 50%

Administrative Position: State Director, Finance Division
Description of Duties: Directs the allocation of State and federal funds to school districts and other agencies.
Percentage of Salary from Part B: 10%

Administrative Position: State Supervisor, Educational Evaluation
Description of Duties: Conducts evaluation studies of selected State programs, including those involving handicapped students.
Percentage of Salary from Part B: 10%

Administrative Position: State Supervisor, Educational Planning
Description of Duties: Responsible for improving the SEA's information input and information utilization in the decision-making process.
Percentage of Salary from Part B: 10%

Position: Secretary, Exceptional Children/Special Programs
Description of Duties: Performance of secretarial functions as required by State Supervisor within the Division.
Percentage of Salary from Part B: 50%

Position: Secretary, Exceptional Children/Special Programs Div.
Description of Duties: Performance of secretarial functions as required by the Division Director and Division Supervisors.
Percentage of Salary from Part B: 50%

Position: Secretary, Exceptional Children/Special Programs
Description of Duties: Performance of secretarial functions as required by Division Supervisors.
Percentage of Salary from Part B: 100%

Position: Secretary, Finance Division
Description of Duties: Performance of secretarial responsibilities as required by the State Supervisor of School Federal Funds.
Percentage of Salary from Part B: 50%

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Position: Secretary, Superintendent's Office
Description of Duties: Performance of secretarial responsibilities as required by the Administrative Assistant of the State Superintendent.
Percentage of Salary from Part B: 15%

Position: Two (2) Secretaries to Directors
Description of Duties: Performance of secretarial responsibilities as required by the Director of Finance, and the Director of Planning, Research and Evaluation.
Percentage of Salary from Part B: 30%

Position: Secretary, Planning, Research and Evaluation
Description of Duties: Performance of secretarial responsibilities as required by supervisors within the Division.
Percentage of Salary from Part B: 10%

4. ***Describe each administrative activity the State Education Agency will carry out with Part B funds for FY 1988.***

The following goals provide a focus for each administrative activity the SEA will provide during the next year. These activities are an out-growth of State Department of Public Instruction and Exceptional Children/Special Programs Division goals.

DPI LONG-RANGE GOALS

Provide leadership and assistance to school districts, state agencies and other organizations in the continued development, evaluation and improvement of educational programs for children.

Assist school districts, state agencies, and other organizations in ensuring that all students have the opportunity to achieve the minimum basic skills and promotion requirements consistent with their capabilities.

DPI SHORT-RANGE GOALS AND RELATED DIVISION ACTIVITIES FOR FY '88

DEPARTMENT GOAL #1: To improve the level of educational services provided by the Department of Public Instruction and the State Board of Education.

Division Activities:

1.1 Assess and report the impact of State and federal funds on the number/ achievement/behavior/development of students in special programs.

1.2 Increase the awareness level of the community at large, advisory councils, advocacy groups and other public and private agencies regarding the impact and effectiveness of successful programs.

1.3 Assist schools and other agencies in the establishment of model/alternative programs and in the replication of promising practices.

1.4 Provide leadership and assistance to school districts and other public and private agencies in the design and delivery of appropriate, cost-effective programs and services for children, youth and adults.

1.5 Coordinate federal, State and private resources for the development and implementation of programs that meet the needs of special populations.

1.6 Develop and update state plans to meet federal requirements.

1.7 Review proposals and authorize funding of State and federally supported programs.

1.8 Conduct evaluations to determine fidelity of State and federally supported programs.

1.9 Promote knowledge and awareness of programs, program requirements and resources through publications and other media presentations.

1.10 Establish and expand public-private partnerships to enhance programs and services for populations with special needs.

DEPARTMENT GOAL #2: To improve the quality of classroom instruction.

Division Activities:

2.1 Coordinate with Instruction Division personnel all aspects of the Critical Curricular Area Program.

2.2 Develop and implement inservice programs on effective teaching for special education and special program personnel.

DEPARTMENT GOAL #3: To provide and maintain a physical environment and working conditions that are conducive to learning.

Division Activities:

3.1 Assist districts and agencies in the exploration of more appropriate learning environments for students with special needs.

3.2 Explore alternative means to reduce the non-instructional duties of special education and special program personnel.

DEPARTMENT GOAL #4: To improve the success rate of the educational process by providing more support for individual students.

Division Activities:

4.1 Provide collaborative leadership in the development/adoption/adaption and implementation of programs for the prevention of developmental delays, handicapping conditions, learning and behavioral difficulties.

4.2 Assure the appropriate educational program and placement of students in the least restrictive environment.

4.3 Promote racial/cultural understanding.

4.4 Assure all students an equal opportunity to participate in the educational process.

DEPARTMENT GOAL #5: To insure that a system of measuring the quality of education is implemented including appropriate criteria.

Division Activities:

5.1 Develop and implement program standards for special education and special programs.

5.2 Assure schools and other agencies receive, interpret and implement the provisions of present and new State and federal laws, rules, regulations, standards and policies.

5.3 Provide technical assistance for schools and other agencies to move toward compliance with State and federal laws, rules, regulations, standards and policies.

5.4 Develop and recommend legislation, rules, regulations, standards, policies and guidelines to enhance programs and services for populations with special needs.

DEPARTMENT GOAL #6: To implement the Delaware Agenda for School Improvement.

Division Activities:

6.1 Continue the implementation of the Delaware School Improvement Review Process, in cooperation with the Instruction Division.

6.2 Expand, develop and implement needs assessment procedures and analyze results.

6.3 Based upon the results of the needs assessments, develop and implement personnel development programs on a statewide, regional and local basis essential for the development of competencies for the effective delivery of special education, special programs and related services.

6.4 Assess the impact of inservice programs for professional and paraprofessional staffs, parents, advocacy groups, and for the students they serve.

5. *Describe the direct and support services to be provided by the State with Part B funds for FY 1988.*

The Department of Public Instruction does not provide direct services except through Project ISSUES, a home intervention program for 0-4 year old children. Support services to be provided the three-year duration of the State Plan include:

a) Coordination of statewide, local and agency Childfind efforts.

b) Coordination of efforts to provide surrogate parents and private placement for handicapped children.

c) Providing technical assistance, including inservice training sessions, per district request.

d) Providing support to teachers of handicapped students via financial and administrative support for the Learning Resource System, with a center to be located in each County.

e) Providing intensive regional level services for moderate to severely handicapped children in Kent and Sussex counties through financial support for the Kent/Sussex Consortium, serving approximately 100 students.

f) Supporting the provision of services to handicapped children through the Office of Educational Computing Services, which provides computer assisted instruction in basic skills for exceptional students.

g) To provide supplemental services for low-incidence groups, including the autistic, the visually impaired, and adult/special education alternative programs for 18-21 year old handicapped persons.

h) Assisting in the identification, evaluation and programming for handicapped youth in correctional facilities.

i) Providing assistance to local school districts, state agencies, and other participating organizations in the development of staff training programs.

j) Utilizing DPI and agency staff to conduct training programs, including the use of State and federal funds to support activities for both regular and special education teachers.

k) Providing partial financial support to the Information Search and Retrieval Unit at the Department of Public Instruction Library, the function of which is to provide school leaders and teachers with research information so as to enable more effective decision-making.

l) Assisting in the establishment of model secondary pre-vocational programs for handicapped youth in cooperation with the Vocational Division at the Department of Public Instruction.

6. ***Describe the activities the State Advisory Panel will undertake using Part B funds in FY 1988.***

In Delaware, the Governor's Advisory Council for Exceptional Citizens is considered to be a State Agency, and receives annual funding from the State Legislature to carry out its activities. Therefore, the Council receives no EHA Part B funds.

II. Local Educational Agency Allocations

1. ***Estimate the number and percentage of local education agencies in the State which will receive an allocation under Part B, except for those local education agencies which submit a consolidated application.***

   a. FY 1988: 17 LEAs, 89.5%

2. ***Estimate the number of local education agencies which will receive an allocation under a consolidated application.***

   It is projected that no LEA will receive an allocation under a consolidated application for FY 1988.

3. ***Estimate the number of consolidated applications.***

   Refer to #2.

4. ***Estimate the average number of local education agencies per consolidated application.***

   Refer to #2.

5. ***Describe the direct services the State Education Agency will provide under 300.360 of Part B.***

   As referred to in previous sections, the Department of Public Instruction does not provide direct service except through Project ISSUES, a home intervention program for 0-4 year old children.

PART II - SUBSTANTIVE REQUIREMENTS

C. *ADDITIONAL EHA-B STATE PLAN AS PER OSEP 87-3*

The following seven items are in responses to OSEP Memorandum 87-3 outlining additional State Plan requirements resulting from recent EHA-B legislation. While these items are identified under "Supplemental Requirements" for the 1988 draft of Delaware's State Plan, they will be appropriately integrated in the text of subsequent Plans.

1. *Interagency Agreements, derived from section 203(b)(2) of the EHA Amendment of 1986, by new paragraph 13 of §613 (a) of EHA-B [20 U.S.C. §1413 (a)]*

The Department of Public Instruction shall execute a written cooperative agreement when educational programs are provided in collaboration with other state agency programs to ensure that a free, appropriate public education is provided to all handicapped students who are served by more than one agency. Each cooperative agreement shall be documented, reviewed, and signed by the appropriate agency administrators. The SEA shall ensure that all cooperative agreements are implemented, monitored, and evaluated according to federal and State standards. Each cooperative agreement shall specify the:

a. Title of the agreement;

b. Parties involved and their authority to provide special education and related services;

c. Purpose of the agreement;

d. Roles and responsibilities of each agency;

e. Access to records and transfer procedures;

f. Implementation, dissemination, and training activities;

g. Funding amounts and sources;

h. Compliance monitoring and program evaluation procedures;

i. Reauthorization schedule and negotiation procedures;

j. Signature and title of each agency administrator.

The following represent those agencies considered to be appropriate agencies with which to hold interagency agreements and current/projected status:

Department of Health and Social Services--

Updating of current agreements will take place during the 1987-1988 school year.

Department of Services for Children, Youth and Their Families--

Letters of agreement will be finalized in June, 1987. Interagency Agreements will be drafted during the 1987-1988 school year.

Department of Correction--

Updating of this agreement will be completed during the 1987-1988 school year.

Division of Vocational Rehabilitation--

Interagency agreements with this division are current and in force.

Division of Vocational Education--

Interdepartment/agency agreements are current and in force with the Division of Vocational Education, Vocational Rehabilitation and the Division of Exceptional Children/Special Programs. (See Appendix H)

2. ***Personnel Standards, derived from section 405 of the EHA Amendment of 1986, by new paragraph 14 of §613 (a) of EHA-B [20 U.S.C. §1413 (a) (14)]***

Del. Code, Title 14, Section 1201, states the following:

> This chapter shall apply to the State Board of Education as the board having authority to pass rules and regulations governing the qualification and certification of teachers in the public schools of the State; except that certificates issued by other certifying boards prior to July 13, 1971 concerning qualification and certification of teachers shall be honored by the State Board of Education.

In addition, Del. Code, Title 14, Section 1092 states:

> "No person shall be employed, nor shall any salary be paid to such person unless he/she shall hold a Certificate issued by the Delaware State Board of Education of the kind and grade required for the position."

It is the policy of the Delaware Department of Public Instruction to periodically review certification standards to assure that they require appropriate qualifications and are consistent with current State law. This policy pertains to certification of all persons who are employed in public schools.

3. ***Non-supplanting, derived from section 203 (b) (1) of the EHA Amendment of 1986, amending §613 (a) (9) of EHA-B [20 U.S.C.]***

   The State of Delaware makes the following assurance and provision as required by Part B of the Education of the Handicapped Act, as amended (20 U.S.C. 1411-1420):

   The Education of the Handicapped Act, as amended, will not be construed by the State to permit the State to reduce medical or other assistance available under, or to alter the eligibility requirements of, programs funded in whole or in part through Title V (Maternal and Child Health) or Title XIX (Medicaid) of the Social Security Act, with respect to the provision of a free appropriate public education for handicapped children within the State.

4. ***Use of "20 Percent" Direct and Support Service Funds, derived from section 403 (a) of the EHA Amendment of 1986, amending §611 (c) of EHA-B [20 U.S.C. §2411 (c) (2)(A) (ii)]***

   The state of Delaware will seek to defray administrative costs of monitoring and complaint investigation using the "20 percent" EHA-B funds to the extent that such costs exceed similar costs incurred during Fiscal Year 1985. Complaint investigation and monitoring costs for FY '85 are as follows:

Complaint Investigation	$ 15,481
Monitoring	$ 49,249
	$ 64,730

5. ***Reduction of other assistance, derived from section 203 (b) (3) of the EHA Emendments of 1986, amending §613 of EHA-B by adding a new subsection (e)]20 O.S.C. 1412 (e)]***

   The availability of EHA funds shall not be construed by the State of Delaware to permit the State to reduce medical or other assistance available under, or to alter the eligibility requirements of, programs funded in whole or in part through Title V (Maternal and Child Health) or Title XIX (Medicaid) of the Social Security Act, with respect to the provision of a free appropriate public education for handicapped children within the State.

6. ***Responsibilities of other State Agencies, derived from section 203 (a) of the EHA Amendments of 1986, amending §612 (6) of the EHA-B by adding a new sentence [20 U.S.C. §1412 (6)]***

   The State shall provide in the school districts of the State, or in other State institutions and agencies, or in special programs and private agencies as established or approved by the State Board of Education, that each handicapped person as defined in Chapter 31 of the Delaware Code, Title 14, shall receive a free, appropriate public education designed to meet his or her needs.

The State Board of Education shall be the agency responsible for the implementation of this required provision. 14 Del. C. §3120.

However, EHA-B shall not be construed to limit the responsibility of agencies other than educational agencies in the State of Delaware from providing or paying for some or all of the costs of a free appropriate public education to be provided handicapped children in the State.

7. ***Attorney's Fees, derived from Section 2 of the Handicapped Children's Protection Act of 1986, amending §615 (e) (4) of EHA-B [20 U.S.C. §1415 (e) (4)].***

Provisions pertaining to Attorney's Fees are currently being revised under the auspices of the State Attorney General's Office. Upon its completion information contained in the provisions shall be distributed with Due Process information as required by law to inform parents of free or less-cost legal and other relevant services available in this area.

APPENDIX A

C.S.P.D.

INSERVICE LISTING

COMPREHENSIVE SYSTEM FOR PERSONNEL DEVELOPMENT
INSERVICE LISTING

October 2, 1987 -	LRE - Sussex & Kent CEC (30)
February 13 -	(2) LRE - Cape Teachers & Administrators (60)
March 5 & 6 -	LRE - State CEC (150) Regular/Special Ed. Teachers
March 19 -	LRE - DASA - (30) Administrators
April 29	LRE - NCC CEC - (28) Spec. Ed. Teachers, Ed. Diagnosticians, Administrators
May 1 -	LRE - State Psychologist's Conference (50)
May 20	LRE - Kent/Sussex CEC - (30)
May 27 -	LRE - Laurel Administrators - (10)
	Total: 538-588

1935s(103)

GAS/de
5/4/87

APPENDIX B

C.S.P.D.

ANTICIPATED DISTRICT/AGENCY NEEDS FOR EDUCATIONAL SURROGATE PARENTS (SP)

ANTICIPATED DISTRICT/AGENCY NEEDS FOR EDUCATIONAL SURROGATE PARENTS (SP)

DISTRICT/ AGENCY	TOTAL ELIGIBLE STUDENTS	NUMBER OF SP ACTIVE (ASSIGNED)	TRAINED SP POOL (UNASSIGNED)	SP NEEDED
Appoquinimink	1		1 (3/87)	1
Brandywine	6		7 (4/87)	0
Caesar Rodney	0(I)*			0
Cape Henlopen	0		1	0
Capital	1			1
Christina	(?)		1 (4/87)	?
Colonial	(?)		1 (4/87)	3
Delmar	1	1		0
Indian River	2	2	2 (3/87)	0
Kent ILC	1			1
Lake Forest	11	1	6 (3/87)	5
Laurel	1			1
Milford	0(1)*			0
NCC Vo-Tech	0(3)*			3
Red Clay	3(+)*	4		3
Seaford	0			0
Smyrna	3			3
Sussex ILC	0			0
Woodbridge	2	2	2	0
	37	?	21	21
DSCYF	34	23	N/A	11

* Estimated/Possible

2/87 Rev. 4/87

APPENDIX C

C.S.P.D.

NEEDS ASSESSMENT SURVEY
(TRAINING NEEDS SURVEY - 1987)

C.S.P.D. MINUTES

DEPARTMENT OF PUBLIC INSTRUCTION
EXCEPTIONAL CHILDREN/SPECIAL PROGRAMS DIVISION

TRAINING NEEDS SURVEY - 1987

DELAWARE COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

JUSTIFICATION: REQUIRED BY PL 94-142

☐☐ District Code
☐☐☐ School Code

▨▨▨-▨▨-☐☐☐☐
Last 4 Digits of your Soc. Sec. No.

GENERAL INFORMATION

1. ☐ Your sex. (Fill box with the number matching your answer.)
   1. Male 2. Female

2. ☐ Your race. (Fill box with the number matching your answer.)
   1. American Indian
   2. Asian American
   3. Black
   4. Hispanic
   5. White

3. ☐ Your age. (Fill box with your age.)

4. ☐☐ Your employment/interest status: (Fill box with number matching selection.)
   1. Special Education Teacher
   2. Regular Education Teacher
   3. Vocational Teachers
   4. Specialty Teacher (e.g., Art, Music, Phys. Ed., etc.)
   5. Adult Education Teacher
   6. Substitute Teacher
   7. Librarian, Media Specialist
   8. Instructional Aide/Interpreters
   9. Administrator/Principal/Supervisor/ Program Coordinator
   10. Professor/Instructor
   11. Student/Student Teacher
   12. Counselor/Human Relations/Social Worker
   13. Therapist (OT, PT, ST, O + M)
   14. Nurse
   15. Psychologist, Psychometrist
   16. Educational Diagnostician
   17. Audiologist
   18. Transportation/Food Service
   19. Parent/Surrogate Parent
   20. Hearing Officer
   21. Other: ____________________

   (Fill in Blank)

5. ☐☐ Type of child you serve primarily:
   1. Autistic
   2. Hearing Impaired
   3. Deaf/Blind
   4. Visually Impaired
   5. Orthopedically Handicapped
   6. Speech/Language Impaired
   7. LD
   8. SEM
   9. EMR
   10. TMR/SMH
   11. Multi-handicapped
   12. Cross-categorical
   13. Non-categorical
   14. Regular ("not identified")
   15. Gifted
   16. Health Impaired
   17. Most of the above
   18. None of the above

6. ☐☐ Which of the following best describes your program? (Fill box with the number matching your answer.)
   1. Infants
   2. Preschool
   3. Grades K-5
   4. Grades 6-8
   5. Grades 9-12
   6. Grades 9-12 + /Apprenticeship
   7. ABE/GED
   8. College/University
   9. LEA Supervision/Administration
   10. SEA Supervision/Administration
   11. Other: ____________________

   ____

   ____

   (Fill in Blank)

TOPICAL AREAS

7. ☐☐ ☐☐ ☐☐ Which of the following topical areas of special education are most important to you? (Fill boxes with the numbers matching your top three selections.)

1. Administration and Law
2. Pre-referral Intervention
3. Assessment + Diagnosis
4. Placement and IEPs
5. Special Curricula
6. Related Services
7. Mainstreaming/Transition
8. Review of Pupil Progress
9. Training Format
10. Other: ______________________

____
(Fill in Blank)

TRAINING FORMAT

8. ☐ ☐ ☐ The presentation formats I prefer are:

1. Mini-courses (1 inservice credit or less)
2. Formal courses (more than 1 inservice credit or college course)
3. Topical conference
4. Customized district inservice
5. Customized school inservice

9. ☐ ☐ ☐ My preference(s) for trainer(s) is/are:

1. School practitioners
2. University/college faculty
3. Parents or advocates
4. State agency personnel
5. National leaders
6. Legal experts
7. Private agency personnel
8. Federal agency personnel

10. ☐ ☐ ☐ The type(s) of presentation(s) I prefer is/are:

1. Knowledge and information (lecture, panel discussion, symposium)
2. Problem solving (roundtable, brainstorming, role play, simulation)
3. Skill development (product demonstration and try out)
4. On-the-spot coaching
5. Observation of model Sites

11. ☐ ☐ ☐ I prefer training:

1. Immediately after school
2. Evening
3. Saturday
4. Inservice days
5. Summer
6. In my classroom during instruction

ADMINISTRATION AND LAW

12. ☐☐ ☐☐ ☐☐ (For the remainder of this survey, fill in the boxes with the numbers of your top three priorities.)

1. Law/Regulations for the Handicapped
2. State Administrative Manual/Revisions
3. Certification Standards for Special Educators
4. Program Quality Standards for Special Education
5. Parent Involvement in Treatment Programs
6. Collection, Maintenance, and Disclosure of Student Data
7. Procedural Safeguards in the IPRD Process
8. Suspension and Expulsion
9. Peer Review and Human Rights
10. Suspected Child Abuse

(continued)

ADMINISTRATION AND LAW, Continued

Cooperative agreements with:

13. ☐☐☐☐☐☐

1. Department of Correction
2. Department of Health and Social Services
3. Division of Mental Retardation
4. Division of Public Health
5. Division for the Visually Impaired
6. Division of Vocational Rehabilitation
7. Department of Services for Children, Youth and their Families
8. Division of Child Protective Services
9. Division of Child Mental Health
10. Division of Youth Rehabilitation Services
11. Youth Diagnostic Center

PRE-REFERRAL CONSIDERATIONS

14. ☐☐☐☐☐☐

1. Eligibility Criteria
2. Documenting Effective Teaching
3. Documenting Behavioral Interventions
4. Using Appropriate Materials
5. Collecting Performance Data
6. Classroom Organization/Management
7. Observation Techniques
8. Informal Curriculum-Based Assessment
9. Expected Performance Ranges
10. Pupils with Special Needs (not Special Education)
11. Relating to Cultural Minorities
12. Alternative Placements
13. Other Agency Participation

DIAGNOSIS AND ASSESSMENT

15. ☐☐☐☐☐☐ Selection, Administration, and Interpretation of Measures of:

1. Educational Achievement
2. Vocational Abilities
3. Intelligence
4. Adaptive behavior/ Functional Skill
5. Language Ability
6. Emotional Adjustment
7. Social Adjustment
8. Sensory Motor Function
9. Auditory Function
10. Visual Function

PLACEMENT AND IEPS

16. ☐☐☐☐☐☐

1. IEP Forms and Procedures
2. Due Process Procedures
3. Participating in IEP Meetings
4. Formulating Annual Goals and Short-term Objectives
5. Determining the Least Restrictive Environment
6. Alternative Placements
7. Pre/Vocational Placements
8. Related Service Alternatives
9. Transition to the Work place
10. Graduation and Dropouts
11. Process for Effecting Mainstreaming
12. Individual Vocational Plan
13. Other: ____________________

____

(Fill in Blank)

RELATED SERVICES

17. ☐☐ ☐☐ ☐☐ Innovations, Procedures, Techniques and Strategies in:

1. Transportation of the Handicapped
2. Audiological/Visual Services
3. Psychological Services
4. Speech/Language Services
5. Physical Therapy and Rehabilitation
6. Occupational Therapy
7. Recreation/Physical Education
8. Early Identification of Disabilities in Children
9. Communication Skills for Conferencing
10. The Parent's Role in Education
11. Surrogate Parent Training
12. School Health Services
13. Social Work Services
14. Counseling Services
15. Medical Services

SPECIAL CURRICULA

Identifying Exemplary and/or Effective Special Methods and Materials

Content Area

18. ☐☐ ☐☐ ☐☐

1. Adaptive Physical Education
2. Agriculture
3. Arts
4. Business & Office
5. Career Exploration
6. Driver Education
7. English/Language Arts
8. Health Education
9. Home Economics
10. Industrial Arts
11. Mathematics
12. Music
13. Reading
14. Science
15. Social Studies
16. Trades & Industry
17. Technology
18. Sensory-Motor
19. Social Skills
20. Writing
21. Bilingual/Foreign Language
22. Vocation/Pre-Voc.

Methods

19. ☐☐ ☐☐ ☐☐

1. Selecting Effective Materials
2. Adapting Materials for Exceptional Learner
3. Individualizing Instruction
4. Grouping to Increase Time on Task
5. Behavior Management
6. Language for Instruction
7. Communications
8. Computer-Assisted Instruction
9. Computer-Managed Instruction
10. Software Evaluation
11. Microcomputer Peripherals
12. Secondary Level Considerations (Diploma - Minimum Competencies)
13. Cooperative Learning/Peer Tutoring
14. Other: ______________________

____
(Fill in Blank)

TRANSITION

20. ☐ ☐ ☐ ☐ ☐ ☐

1. Interagency Cooperation/Coordination in Service Delivery
2. Adult Agencies & Service Providers
3. Children's Agencies
4. Transitional Planning (Readiness & Preparation)
5. Early Childhood Transition
6. School to Work Transition
7. Transition to a Less/More Restrictive Placement
8. Secondary School
9. Improving Special Ed. Voc. Ed. Partnership
10. Supported Employment
11. Special Ed. "Dropout" Alternative Option

REVIEW OF PUPIL PROGRAMS

21. ☐ ☐ ☐

1. Developing Evaluative Criteria for Measuring Student Progress
2. Monitoring and Keeping Records of Student Progress
3. Revising Instructional and Related Service Programs Based on Student Programs
4. Communicating with Parents Regarding Student Progress

PLEASE ADD ANY COMMENTS THAT WOULD HELP CLARIFY YOUR TRAINING NEEDS.

____

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PLEASE RETURN COMPLETED FORM TO:

Dr. G.A. Smith, State Supervisor
State Dept. of Public Instruction
P.O. Box 1402, Townsend Building
Dover, DE 19903 Tele: 736-4667

Unscheduled XEC -487

STATE OF DELAWARE

DEPARTMENT OF PUBLIC INSTRUCTION
THE TOWNSEND BUILDING
P O BOX 1402
DOVER DELAWARE 19903

WILLIAM B KEENE
STATE SUPERINTENDENT
JOHN J RYAN
DEPUTY STATE SUPERINTENDENT

SIDNEY B COLLISON
JAMES L SPARTZ
ASSISTANT STATE SUPERINTENDENTS

MINUTES

CSPD MEETING - JANUARY 13, 1987

PRESENT: Barkley, Bates, Boozer, Budna, Houpt, Matthews, Mellen, Mudrick, Smith, Suleski, Thomure, Weinberg and Young

The first 1987 meeting of an expanded State CSPD Committee was convened at 1:30 p.m. in the Cabinet Room of the Townsend Building in Dover. After some opening remarks and introductions, Dr. Smith reviewed the federal requirements concerning CSPD and distributed written summaries of the legal and State Plan requirements.

Dr. Matthews then apprised the group of RRC activities concerning CSPD and presented a method of determining priorities within the scope of CSPD activities.

Dr. Smith focused the group activity on the development of a needs assessment survey after it was determined that this was the number one priority. Copies of a draft of a survey were distributed with instructions to revise both content and format. Discussion followed and ended with the recommendation that the draft be distributed for comment by the entire committee. Recommended revisions would then be presented and discussed at another meeting scheduled as a dinner meeting on January 28 at the Dover Sheraton beginning at 4:00 p.m.

Nominations for committee membership were accepted, after which the meeting was adjourned.

Respectfully submitted,

G.A. Smith

G.A. Smith, Ph.D., State Supervisor
Exceptional Children Programs/
 Instructional Systems

GAS/de

2167s(1)

THE STATE OF DELAWARE IS AN EQUAL OPPORTUNITY
EMPLOYER AND DOES NOT DISCRIMINATE OR DENY
SERVICES ON THE BASIS OF RACE, COLOR, NATIONAL
ORIGIN, SEX, HANDICAP AND/OR AGE

STATE OF DELAWARE

DEPARTMENT OF PUBLIC INSTRUCTION
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P O BOX 1402
DOVER, DELAWARE 19903

WILLIAM B KEENE
STATE SUPERINTENDENT
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DEPUTY STATE SUPERINTENDENT

SIDNEY B COLLISON
JAMES L SPARTZ
ASSISTANT STATE SUPERINTENDENTS

MINUTES

CSPD MEETING - January 28, 1987

PRESENT: Barkley, Bates, Budna, Ferrara, Fisher, Haltom, Marsh, Matthews, Mellen, Smith, Sole, Suleski, Thomure, Weinberg.

This meeting of the Statewide CSPD Committee began at 4:30 p.m. at the Dover Sheraton. Changes to a revised Needs Assessment Survey were discussed after recommendations were presented by Committee members unable to attend. This activity consumed most of the alloted time.

Items from the floor covered the following topics:

(1) Low incidence populations, e.g., autistic and deaf/blind students, and their staff training needs. Do we develop a special survey for these people, and how do we ensure training coverage?

(2) Teachers of minority populations (ethnic and bilingual) should also be the focus of special training.

(3) Ensure coverage of parents and paraprofessionals, typically an underserved group.

(4) Secondary teachers should be trained in discipline, transition, and drop-out issues.

(5) Entire state will need to be "trained" regarding the changes reflected in the new Administrative Manual.

(6) Early intervention and day care training needs also need to be considered.

The next meeting will be scheduled as soon as the results of the needs assessment survey are in.

Respectfully submitted,

G.A. Smith, Ph.D., State Supervisor
Exceptional Children Programs/
Instructional Systems

GAS/de

2167s(2)

THE STATE OF DELAWARE IS AN EQUAL OPPORTUNITY
EMPLOYER AND DOES NOT DISCRIMINATE OR DENY
SERVICES ON THE BASIS OF RACE, COLOR, NATIONAL
ORIGIN, SEX, HANDICAP AND/OR AGE

APPENDIX D

C.S.P.D.

NEEDS ASSESSMENT - PERSONNEL PROJECTIONS

TABLE I - RENEWALS AND NEW CERTIFICATES ISSUED - 1984-85

TALBE II - RENEWALS AND NEW CERTIFICATES ISSUED - 1985-86

TABLE III - NEW AND RETURNING SPECIAL EDUCATION TEACHERS AND PUPIL/TEACHER RATIO - 1972-1989

TABLE I
RENEWALS AND NEW CERTIFICATES ISSUED
1984-85

Type of Certification	Prof. Status[a]	Initial Standard[b]	Std.[c]	Lim/ Std.[d]	Prov.[e]	Emerg.[f]	Permit[g]	Renewals[h]	Total
Secondary Subjects									
English	4	27	-	8	1	-	-	-	40
Mathematics-Comprehensive	-	20	-	6	3	-	-	-	29
Junior High Mathematics	-	3	-	-	-	-	-	-	3
Non-Academic Mathematics	-	1	-	-	-	-	-	-	1
French	-	5	-	2	-	-	-	-	7
Spanish	1	5	-	1	-	-	-	-	7
German	1	2	-	-	2	-	-	-	5
Physics	1	1	-	-	1	-	-	-	3
General Science	-	11	-	7	6	-	-	-	24
Biology	2	12	-	4	1	-	-	-	19
Chemistry	-	1	-	1	1	-	-	-	3
Earth Science	-	4	-	-	-	-	-	-	4
Social Studies	2	36	-	6	2	-	-	-	46
Speech	-	1	-	-	-	-	-	-	1
Special Subjects									
Adult Education	-	13	-	12	-	-	-	-	25
Agriculture	1	4	-	1	1	-	-	-	7
Art	1	8	-	2	1	-	-	-	12
Business Education	1	6	-	1	1	-	-	-	9
Distributive Education	-	2	-	-	2	-	-	-	4
Diversified Occupations	-	3	-	-	1	-	-	-	4
Driver Education	1	1	-	2	-	-	-	-	4
Home Economics	1	5	-	1	2	-	-	-	9
Industrial Arts	2	5	-	-	1	-	-	-	8
Trade & Industrial Education (Voc)	3	21	-	10	10	-	-	-	44
Music	1	17	-	1	-	-	-	-	19
Exceptional Children-LD,SEM,MR & PH	41	170	-	42	7	3	-	-	263
Teacher of the Autistic Child	-	1	-	1	-	-	-	-	2
Gifted and Talented	-	1	-	1	-	-	-	-	2
Hearing Impaired	-	5	-	2	1	-	-	-	8
Visually Impaired	1	2	-	-	-	-	-	-	3
T&I Special Education	-	1	-	1	-	-	-	-	2
Teacher of Adults w/Spec. Needs	-	2	-	-	-	-	-	-	2
Physical Education	5	15	-	3	2	-	-	-	25
Health Education	1	4	-	1	1	-	-	-	7

(Table continued on following page)

TABLE II
RENEWALS AND NEW CERTIFICATES ISSUED
1985-86

Type of Certification	Prof. Status[a]	Initial Standard[b]	Std.[c]	Lim/ Std.[d]	Prov.[e]	Emerg.[f]	Permit[g]	Renewals[h]	Total
SECONDARY SUBJECTS									
English	1	22	-	8	4	-	-	-	35
Mathematics-Comprehensive	3	21	-	9	3	-	-	-	36
Junior High Mathematics	1	8	-	3	2	-	-	-	14
Non-Academic Mathematics	-	-	-	1	-	-	-	-	1
French	-	4	-	2	-	-	-	-	6
Spanish	-	7	-	-	-	-	-	-	7
German	1	1	-	2	-	-	-	-	4
Physics	-	2	-	-	1	-	-	-	3
General Science	1	7	--	6	3	-	-	-	17
Biology	2	14	-	4	-	-	-	-	20
Chemistry	-	10	-	3	1	-	-	-	14
Earth Science	1	2	-	1	-	-	-	-	4
Social Studies	3	31	-	3	2	-	-	-	39
Latin	-	-	-	1	-	-	-	-	1
SPECIAL SUBJECTS									
Adult Education	-	6	-	5	-	-	-	-	11
Agriculture	1	5	-	1	-	-	-	-	7
Art	1	11	-	2	1	1	-	-	16
Business Education	-	7	-	1	2	-	-	-	10
Distributive Education	-	1	-	1	1	-	-	-	3
Diversified Occupations	-	4	-	-	-	-	-	-	4
Occup.Coord. Coop.Work Study	1	2	-	-	-	-	-	-	3
Occup.Coord. Instructional	-	1	-	-	-	-	-	-	1
Driver Education	1	5	-	-	-	-	-	-	6
Home Economics	1	2	-	-	1	-	-	-	4
Industrial Arts	1	3	-	-	2	-	-	-	6
Trade & Industrial Education (Voc)	14	12	-	-	3	-	-	-	29
Music	3	14	-	1	1	-	-	-	19
Exceptional Children-LD,SEM,MR & PH	53	87	-	47	29	12	-	-	228
Teacher of the Autistic Child	-	2	-	2	-	1	-	-	5
Gifted and Talented	-	2	-	2	-	4	-	-	8
Hearing Impaired	-	3	-	1	-	-	-	-	4
Visually Impaired	-	3	-	1	-	-	-	-	4
Physical Education	-	22	-	1	2	-	-	-	25
Health Education	-	7	-	3	1	-	-	-	11

(Table continued on following page)

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NEW AND RETURNING SPECIAL EDUCATION TEACHERS AND PUPIL/TEACHER RATIO

1972-1989

Year	Special Education Pupil Enrollment	Special Education Teachers: Returning No.	Returning %	New No.	New %	Total No.	Total %	Special Education Pupil/Teacher Ratio
1972	5,490	384	84.6	70	15.4	545	100.0	12.1
1973	6,605	417	77.5	121	22.5	538	100.0	12.3
1974	7,208	505	83.1	103	16.9	608	100.0	11.9
1975	7,590	621	90.0	69	10.0	690	100.0	11.0
1976	8,073	653	89.0	81	11.0	734	100.0	11.0
1977	8,928	720	85.2	125	14.8	845	100.0	10.6
1978	9,326	753	86.1	122	13.9	875	100.0	10.7
1979	10,030	879	89.1	108	10.9	987	100.0	10.2
1980	9,744	958	94.9	51	5.1	1,009	100.0	9.7
1981	9,562	967	95.6	44	4.4	1,011	100.0	9.5
1982	9,581	970	96.1	39	3.9	1,009	100.0	9.5
1983	9,864	993	95.0	52	5.0	1,045	100.0	9.4
1984	10,110	1,004	93.3	72	6.7	1,076	100.0	9.4
1985	10,352	1,018	92.2	86	7.8	1,104	100.0	9.4
1986	10,413	1,067	92.0	93	8.0	1,160	100.0	9.0
PROJECTIONS								
1987	10,531	1,074	91.8	96	8.2	1,170	100.0	9.0
1988	10,659	1,085	91.6	99	8.4	1,184	100.0	9.0
1989	10,800	1,097	91.4	103	8.6	1,200	100.0	9.0

APPENDIX E

C.S.P.D.

BULLETIN ANNOUNCING ASSOCIATION FOR DIRECT INSTRUCTION CONFERENCE

HOTELS/MOTELS -- LEWES

ECONO-Lodge	1-800-446-6900
Angler's Motel	645-2831
Vesuvio Motel	645-2224
Cape Henlopen Motel	645-2828
Midway Motor Lodge	645-8350

HOTELS/MOTELS -- REHOBOTH

Atlantic Sands	227-2511
Breakers Motel	1-800-441-8009
Commordore Motel	1-800-245-2112
Beach View	227-2999
Oceanus Motel	227-9436
Sirocco Motel	227-9324

(All phone numbers are Area Code 302, save for 800 numbers)

THE THIRD ATLANTIC COAST CONFERENCE
ON
EFFECTIVE TEACHING AND DIRECT INSTRUCTION

Registration Deadline
June 13

Alan Hofmeister
Jean Osborn
Bob Dixon
Paul McKinney
Ed Schaefer
Nancy Kambouroglos
Kim Kremer
Sue McGinnis
Karen Simkins

Randy Sprick
Marilyn Sprick
Geoff Colvin
George Smith
Janie Feinberg
Patrice Riggin
Gil Hense
Gail Mack
Karen Beck

College and Inservice Credits Available

ACADI Membership & Group Fee Discounts

REHOBETH BEACH RESORT AREA
Delaware Technical & Community College
July 13 - 16

Co-Sponsored by
The Delaware Department of Public Instruction
Exceptional Children/Special Programs Division
and
The Atlantic Coast Association for Dire

SESSION I WORKSHOPS

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

SESSION II WORKSHOPS

[illegible]

[illegible]

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Time	Monday, July 13	Tuesday, July 14	Wednesday, July 15	Thursday, July 16
8:00-10:00 Session I	Conference Registration 8:00 - 8:30	Rdg. Mastery 1-6(A) (Jane Feinberg)	——→	——→
		Rdg. Mastery 1-6(B) (Joan Osborn)	——→	——→
	Conference Orientation (Atlantic Coast Association for Direct Instruction) 8:30 - 9:00	Corrective Math (A) (Karen Sumbera)	——→	——→
		Corrective Math (B) (Paul McKinney)	——→	——→
		Classroom Mgmt. II. (Randy Sprick)	——→	——→
		Teaching Oral & Written Language(A) (Nancy Kandsorogian)	——→	——→
	Keynote Address (Alan Hofmeister) 9:00 - 10:00	Teaching Spelling & Vocabulary (B) (Bob Dixon)	——→	——→
		Teaching Students with Emotional Problems (Geoff Colvin)	——→	——→
		Supervision of DI (Ed Schaefer)	——→	——→
		A Process Approach to Writing (Gail Mack & Sue McGinnis)	——→	——→
10:00-10:30	BREAK	BREAK	BREAK	BREAK
10:30-12:30 Session II	Corrective Rdg.(A) (Paul McKinney)	——→	——→	——→
	Corrective Rdg. (B) (Gil Hemm)	——→	——→	——→
	Primary Rdg. (A) (Nancy Kandsorogian)	——→	——→	——→
	Primary Rdg. (B) (Jane Feinberg)	——→	——→	——→
	Primary Math (A) (Patricia Riggin)	——→	——→	——→
	Classroom Management: Secondary (Randy Sprick)	——→	——→	——→
	Choosing Effective Reading Programs (Joan Osborn)	——→	——→	——→
	Adapting Basal Programs for Remedial Readers (Marilyn Sprick)	——→	——→	——→
	Creating A School-Wide Behavior Mgt. System (Geoff Colvin)	——→	——→	——→
	Teaching Spelling Effectively(A)(Bob Dixon)	——→	——→	——→
12:30-1:00	BREAK	BREAK	BREAK	BREAK
1:00-2:30 Session III	DI Science/Social Studies (Kim Kramer)	——→	——→	
	DI in Basal Reading Programs (Karen Beck)	——→	——→	
	Becoming A Nation of Readers (Joan Osborn)	——→	——→	
	Expressive Writing I & II (Karen Zdenko)	——→	——→	Closing Address (Ed Schaefer) 1:00 - 1:30
	Teaching Oral & Written Language (B) (Nancy Kandsorogian)	——→	——→	
	Theory of DI Program Design (Bob Dixon)	——→	——→	
	Academic Survival Skills (Marilyn Sprick)	——→	——→	
	DI for the Severely/Multiply Handicapped (Geoff Colvin)	——→	——→	
	DI & Effective Teaching (Paul McKinney)	——→	——→	
	Using Videodisc to Teach Mathematics (Jane Feinberg)	——→	——→	
	Primary Math (B) (Patricia Riggin)	——→	——→	

Direct Instruction for the Severely or Multiply-Handicapped (Geoff Colvin) This workshop will provide skills and information on how to teach the trainable, autistic, and other severely handicapped learners. Techniques for establishing a basis of instruction, forming responses, expanding tasks, inducing generalization, and designing appropriate programs and schedules will be covered. Also emphasized will be techniques for dealing with short attention span, echolalia, latency in responding, superstitious behavior, and highly restricted receptive language.

Direct Instruction and Effective Teaching (Paul McKinney) Ziggy Engelmann meets Madeline Hunter & Barak Rosenshine to answer the question: "Is good teaching enough?". This workshop will present the basic principles of Direct Instruction as devised by Engelmann and his associates, and will compare those principles to the recommendations for effective teaching drawn by Hunter, Rosenshine and other researchers of effective teaching. This workshop is appropriate for all teachers, staff developers and administrators, especially those charged with the evaluation of effective instruction.

Using Videodisc to Teach Mathematics (Jane Feinberg) This workshop will provide a "hands-on" demonstration of videodisc technology applied to the teaching of fractions, decimals, percents, ratios, equations, and advanced problem solving. Featured will be a series of videodisc programs authored by Zig Engelmann and published by Systems Impact, Inc. This workshop is appropriate for all intermediate and secondary staff with either mainstream or special education responsibilities.

Primary Math (B) (Patrice Riggin) See Session II

WORKSHOP LEADER BACKGROUND BRIEFS

Karen Beck, a graduate of the University of Virginia and the University of Washington, is the curriculum development facilitator for special education in the Red Clay Consolidated School District, Wilmington, DE. Karen has seven years teaching experience including that of a "demonstration teacher" at the Experimental Education Unit at the University of Washington. She also has amassed significant experience as a trainer and consultant in the areas of effective teaching and Direct Instruction, and has had her work published in the LEARNING DISABILITY QUARTERLY.

Geoff Colvin is a Behavior Specialist for the Natrona County School District, Casper, Wyoming. He is co-author with "Zig" Engelmann of the book Compliance Training, A Direct Instruction Approach to Behavior. His years of experience with a wide range of special education people and problems are plainly evident in the wit, wile, and warmth he brings to his workshops on practical procedures for working with emotionally handicapped students.

Robert Dixon is the senior author of SRA's Spelling Mastery and Corrective Spelling through Morphographs. He worked for five years at the Engelmann-Becker Corporation in Eugene, Oregon, then worked five more years as a specialist in automated education at the University of Illinois. Currently Bob is an independent educational consultant and computer software developer.

Jane Feinberg is Vice President of the Centers for Direct Instruction in Brooklyn and Long Island. She has been a lead consultant for Science Research Associates for 13 years, training teachers and writing trainers guides for lead teachers or new consultants. She served as an editorial advisor for the publication of Reading Mastery I program and the Language I Activity Kit. Her joyful style of teacher-effectiveness training via direct instruction has been a major contribution to classrooms over the years throughout the mid-Atlantic and New England states.

Gil [illegible] has a Masters in Science Education from the University of Delaware and is a Certified Basic Skills Reading Specialist. He teaches Reading at the Cape Henlopen High School and over the past 3 years has become expert with Corrective and Reading Direct Instruction programs. A secondary teacher for the past 12 years, his adaptations and supplements for the teenage student reflect experience and dedication.

Nancy Kambouroglos has been teaching direct instruction programs for 10 years in the primary grades of inner city Lancaster, Pennsylvania. Prior to that she taught Adult Basic Education for 4 years in the Lancaster-Lebanon Intermediate Unit. In addition she has had experience counseling and teaching in Half-Way Houses for delinquent girls. SRA has contracted for her consultant services during the past 8 years in 3 states. As a matter of interest she also holds a degree in anthropology from Franklin and Marshall College.

[illegible] is a graduate of Clarion University in Pennsylvania and the University of Delaware. [illegible] has been a Special Education teacher in the Cape Henlopen School District for seven years. She has taught in a special school where she earned great success using DI programs with learning disabled, emotionally disturbed, and autistic children. Currently she is teaching special students at the junior high level and [illegible] implementing direct instruction strategies in the content areas.

Sue McGinnis is a former "teacher of the year". Sue has nine years of experience in special education and two years experience in mainstream settings. She completed her undergraduate work in education at Millersville State College in Pennsylvania, and will soon graduate from the University of Delaware with a Master of Instruction degree. Sue's motto: "If a student hasn't learned, a teacher hasn't taught".

Paul McKinney is Assistant Director of Special Education for the Cayuga Board of Cooperative Educational Services, of BOCES unit in Auburn, New York. He also serves as Adjunct Professor in the Department of Special Education at Nazareth College, Rochester, New York. His classroom experience spans pre-first, kindergarten, 2nd, 3rd, 4th grades and Special Education Resource Teacher. He is a familiar consultant for direct instruction training for Teachers in northeastern states mixing good humor with a keen sense of good teaching criteria and performance.

Gail Mack is a graduate of Cushing College and Salisbury State College in Maryland. Gail is currently part of the Master of Instruction program at the University of Delaware. Gail has integrated her many years of experience teaching special education at the secondary level, her knowledge of DI Tactics, and her dedication to the "process approach to writing" into an exciting and successful program for teaching writing.

Jean Osborn is Associate Director of the Center for the Study of Reading at the University of Illinois where she is managing the Adoption Guidelines Project. In analyzing instructional materials she has focused particularly upon workbooks written for basal programs. She is consultant to the Commission for Becoming a Nation of Readers. In addition to co-authoring SRA Language and Corrective Reading Programs, she has published numerous articles and more recently edited two books: Learning to Read in American Schools: Foundations for Literate Americans.

Patrice Riggin has been teaching special education in various primary grades for 8 years. A graduate of Rhode Island College she is completing a Masters in Special Education. As a result of experience with direct instruction programs during the past five years she has an article comparing beginning phonics instruction offered in Houghton-Mifflin Economy, and SRA Reading Mastery in preparation for publication.

Ed Schaefer is presently Director of Elementary Education and Special Services K-12 for Cape Henlopen School District. He holds a M. Ed. from University of Delaware and is presently in a doctoral program. As a thorough scholar of the teaching technology of direct instruction he has done consulting and workshops in several states. His teaching experience included elementary schools, junior and senior high school, and adult education. He has developed several unique seminars in direct instruction for the teaching of comprehension.

Karen Simkins has been teaching 10 years at the De Jarnett Center for Human Development and in public schools. She holds a Masters in Educational Diagnosis from James Madison University. Five years experience with direct instruction programs has resulted in opportunities to train other teachers.

G.A.Smith, Ph.D. is currently the State Supervisor of Instructional Systems for the Exceptional Children's Division of Delaware's Dept. of Public Instruction. He was formerly a full-time professor of Special Education at the University of Delaware, where he taught courses in curriculum for exceptional children and applied behavior analysis. He is interested in systematic observation and effective instruction (DI) especially as it pertains to reading.

Marilyn Sprick, M.S. is currently an educational consultant and teacher trainer with Teaching Strategies, Inc. Marilyn works with school districts and teachers to improve instruction in basal reading programs, direct instruction, and academic survival skills. She has developed materials to help bridge the differences between a variety of reading programs, and has developed procedures for selecting and developing effective schoolwide programs and policies. Marilyn has worked as a learning disabilities specialist, and as a classroom teacher.

Randall S. Sprick, Ph.D. is currently director of Teaching Strategies, Inc., a company that provides inservice development programs to school districts throughout the country. Each year he conducts workshops and classes for over 4,000 teachers and administrators on effective procedures for encouraging student responsibility and motivation, while dealing effectively with problems that arise. Dr. Sprick has been a classroom teacher of students with emotional and behavioral problems, and has also worked with both elementary and secondary students in regular classrooms as a supervisor and educational consultant. He is author of Discipline in the Secondary Classroom and The Solution Book.

APPENDIX F

C.C.M.S.

MONITOR'S HANDBOOK (DRAFT)

C.C.M.S. TEAM LEADER TASKS List (DRAFT)

PROJECT MONITORING Checklist (DRAFT)

FACILITIES CHECKLIST

C.C.M.S. REPORT Proposed Format

STUDENT PROFILE SHEET (DRAFT)

C.C.M.S. MONITORING CRITERIA Excerpts (DRAFT)

THE STATE OF DELAWARE

COMPREHENSIVE COMPLIANCE MONITORING SYSTEM

HANDBOOK AND FORMS

MONITORING (all districts in 4-year cycle)

1. MONITOR'S HANDBOOK
2. FORMS REVIEW CHECKLIST
3. INTERVIEW GUIDE (Spec. Ed. Admin.)
4. INTERVIEW GUIDE & IEP VERIFICATION
5. PROJECT MONITORING
6. MONITORING CRITERIA/SOURCES OF EVIDENCE

AUDITING (all districts annually)

1. SEPT 30, SPEC. EDUC. UNIT AUDIT WORKSHEET

DELAWARE DEPARTMENT OF PUBLIC INSTRUCTION
EXCEPTIONAL CHILD/SPECIAL PROGRAMS DIVISION

MONITOR'S HANDBOOK

COMPREHENSIVE COMPLIANCE MONITORING SYSTEM

DECEMBER, 1987

The procedures reflected in this document shall be utilized during the Winter and-Spring of 1988 and revised, as necessary, based upon internal and external evaluation of the CCMS.

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PURPOSE AND STRUCTURE OF THE CCMS

PURPOSE

The purpose of the Comprehensive Compliance Monitoring System (CCMS) is to determine the compliance of each educational program for handicapped children within the state, including programs administered by any public agency, with state and federal requirements for providing a free, appropriate education for exceptional children.

STRUCTURE

The CCMS was designed to provide on-going interaction with school districts and other public agencies to ensure that general supervision relative to compliance is provided by the Department of Public Instruction, Exceptional Child/Special Programs Division. The components of the CCMS include:

1. Review and approval of district/agency Operational Plans to determine that written policies and procedures adopted by each district or agency are in compliance with state and federal requirements.

2. Review and approval of applications for state and federal funding to determine that all required assurance statements have been executed and that activities and expenditures are planned according to the specifications of the funding source.

3. Periodic onsite review of the programs and projects conducted with and for exceptional students to determine that they are in compliance with state and federal requirements and project applications and issuance of a written report which specifies any instances where requirements have not been met and requires the district/agency to carry out corrective actions.

4. Review and approval of district/agency corrective action plans.

5. Verification that corrective actions are implemented as approved through review of documentation and follow-up verification through regularly scheduled CCMS onsite visits, if necessary.

6. Use of complaint data and other data reports to trigger special compliance reviews in instances where the other components of the CCMS do not appear to have sufficiently impacted on the district or agency.

7. September 30th Audit Process.

CCMS MATERIALS AND TRAINING ACTIVITIES

Materials and training activities have been designed to assist the DPI staff and school district/agency staff in understanding and conducting the necessary monitoring activities. The CCMS Monitoring Materials are as follows:

1. Instructions and forms for use in review and approval of Operational Plans.

2. Monitor's Manual including instructions, recommendations, and forms for collection of monitoring data, reporting, and action planning. Specific forms include:

   - Interview Guide: Special Education Administrator.

   - IEP Verification and Interview Guide for use with other district and program level personnel.

   - Student Profile Sheet for use in extracting needed data from individual student records.

   - Forms Review Checklist for use in review of forms developed by a district /agency to determine if they include elements which are required documentation. This checklist can also be used to provide technical assistance to districts/agencies relative to forms development or revision.

   - Project monitoring instructions and forms.

   - Suggested action planning format and instructions.

3. Monitoring Criteria/Sources of Evidence document which provides the required and primary sources of evidence for all requirements stated in the Administrative Manual. This document should be used in making specific written statements regarding non-compliance and the sources of evidence which support the non-compliance.

Examples of notification letters and CCMS monitoring reports, corrective action plans, and the like, are also available to the staff as a result of the first cycle of onsite monitoring visits.

Training activities necessary for the 1988 cycle are documented and can be modified for future use. These training activities include two sessions with DPI staff and one session with local/agency staff. The purpose of the staff sessions were to assist them with procedures and criteria for review of districts' and agencies' Operational Plans and to update them on onsite review procedures and instruments. The session with local/agency staff was to assist them with preparation for and participation in the onsite and corrective action planning processes. These sessions should result in good communication between DPI staff and school district/agency staff.

GENERAL RESPONSIBILITIES OF COMPLIANCE MONITORS

Staff within the Division of Exceptional Children/Special Programs, Department of Public Instruction, will implement the Comprehensive Compliance Monitoring System (CCMS). Due to the nature of the presently assigned role of staff - that of advising and assisting in the development of programs for exceptional children - all involved parties must recognize the unavoidable threats to monitor independence. Circumstances which may impair the Monitor's ability to be independent and impartial include:

- relationships of an official, professional, and/or personal nature that might cause the Monitor to limit the extent or character of his/her inquiry, to limit disclosure, or to weaken findings in any way.

- preconceived ideas about the objectives or quality of a particular program or personal likes or dislikes of individuals, groups, or objectives of a school district or other public agency.

- biases and prejudices, including those induced by political or social convictions, which result from employment in or loyalty to a particular group, institution, or level of government.

- financial interest, direct or indirect, in an organization or firm which is benefitting from the program selected for monitoring.

Based upon recognized threats to monitor independence, a staff member must describe in a specified prominent place within the report his/her relationship with the programs being monitored, as well as participate in a training session. The training session will cover:

1. recognition of threats to independence;
2. exercise of due professional care in conducting the monitoring and in preparing the report;
3. utilization of written monitoring procedures; and
4. utilization of monitoring instruments.

These requirements should minimize the recognized threats to monitor independence and thus increase the impartiality of conclusions, judgments, and recommendations.

PLANNING FOR ONSITE MONITORING

Each onsite monitoring visit will be valid only if good planning occurs prior to the onsite visit. The purpose of the onsite is to determine that approved policies and procedures are being implemented. Sufficient evidence may be available to make that determination for particular requirements, prior to the visit. These requirements may not need onsite review. The following information and checklists are provided to assist with the planning activities which should be completed and documented prior to each onsite monitoring visit.

Selection and Assignment of Staff

The size, type and complexity of the site to be monitored should determine the types and numbers of staff assigned to conduct the onsite. In each instance, staff will be needed to conduct district/agency and school/program level tasks. Knowledge of vocational education and preschool programming may be needed in each case due to the stage of development of these two program areas. All staff will need to have good interview skills and the patience to conduct a thorough review of documents.

Each onsite team will have a team leader. For a particular onsite, the team leader is responsible for the overall management of the monitoring activities from planning through follow-up to determine that corrective actions have been implemented as approved. The team leader will serve as the Department's contact person with the district or agency, using the Director's review, approval and signature, as appropriate. The team leader will work with the other staff members to determine specific monitoring assignments and must coordinate the completion of all tasks.

The team leader will notify team members of schedules and expectations and provide them with the information which they must review prior to planning meetings and the onsite visit. It is the responsibility of each team member to complete assigned tasks in a timely manner. Much valuable time will be lost and the risk or error will increase each time a staff member is unprepared.

The following recommendations for assignment of onsite and reporting tasks to staff monitors may be helpful to the team leader. Staff may choose to request specific tasks but should do so understanding that granting of the request must occur within the framework for providing a complete and valid monitoring visit.

1. Assign one staff member to review all special projects and complete the project monitoring instruments and the project monitoring sections of the CCSMR report. Such projects include: Part B, Chapter 1-Handicapped, and Delaware Learning Resources System.

2. Assign each staff member who works at the school-level part of the student records review and IEP verification tasks. This will prevent overload on records review and provide each team member with the opportunity to see how programs are implemented.

3. Assign a staff member who has expertise in individual student evaluation to interview district/agency student evaluation staff.

4. Assign at least 2 staff members to each school/program site.

5. Assign 1 team member to assist the team leader with district/agency level interviews and documents review.

6. Assign the staff member who receives a piece of written evidence in an interview to review the evidence and document the results of that review, unless otherwise noted by the team leader. For example, if the new policies, procedures, reports or forms are provided to a team member during an interview, the team member is responsible for comparing the evidence with the requirements and documenting the results, using the instruments provided.

Team Meetings

Presite, onsite, and postsite visit team meetings will be scheduled and conducted by the team leader. The purposes of these meetings will be to make sure that all team members are informed of the tasks to be conducted and have available the information which they need to complete the tasks. Team meetings will also be used to discuss preliminary findings while onsite and to identify any additional information which may be needed prior to exiting the site. The onsite team meeting will also be used to decide how the exit conference with the district/agency administrator will be handled. Once the onsite is completed, one or more team meetings will be held to prepare the CCMS report. It is imperative that the team members are prepared to share their questions, concerns and findings in each of these meetings. This interaction will help to make sure that the CCMS report is complete and accurate.

The following Monitoring Procedures Checklist is provided to assist monitors in carrying out the required procedures. A Team Leader's Checklist is also provided.

MONITORING PROCEDURES CHECKLIST

Pre-Onsite Process

TASK	PERSON	TIMELINE
A. Call District/Agency EC Administrator.		
1. Request a list of EC teachers and evaluation specialists. The list should include name, exceptionality, position, and certificate or licensure number. The list should include all personnel employed and contracted and should be sent as soon as possible.	Team Leader	6 weeks preonsite
2. Request a map which depicts the location of all EC programs.	Team Leader	6 weeks pre-onsite
B. Send memo to staff.	Team Leader	5 weeks
1. Solicit pre-monitoring staff concerns and verify that copies of all project and amendment documents for the district/agency being monitored are provided.		
C. Gather descriptive data on the district's/agency's EC program, e.g., racial composition.	Team Leader Team Members	5 weeks pre-onsite
D. Schedule and conduct pre-CCMS team meeting.	Team Leader	3 weeks pre-onsite
- District/agency concerns. - Review of all data. - Input on programs. - Administrative concerns (travel, etc.). - Identify district/agency staff to be interviewed. - Select schools/program sites for onsite review. - Make presite review assignments.		

Pre-Onsite Process

TASK	PERSON	TIMELINE
E. Transmit district/agency memo over Director's signature.	Team Leader	3 weeks pre-onsite
1. List schools/sites and projects to be monitored, types of staff to be interviewed, and DPI staff members participating in CCMS.		
F. Call district/agency EC administrator.		
1. Discuss and finalize onsite schedule for entrance conference and interviews.	Team Leader	2 weeks pre-onsite
2. Obtain names, official titles, and terminology unique to district/agency.		
3. Discuss contract persons for projects. - PL 94-142; - ECIA Chapter I-Handicapped (PL 89-313); [illegible] - PL 94-142 Preschool Incentive Grant	Team Leader	2 weeks pre-onsite
4. Set a time for exit interview. EC administrator may include other people.	Team Leader	2 weeks pre-onsite
5. Send pre-onsite memo to team members (names, official titles and terminology to be used in report, onsite schedule, travel arrangements.)	Team Leader	2 weeks pre-onsite
6. Complete car request memo.	Team Leader	2 weeks pre-onsite

Pre-Onsite Process

TASK	PERSON	TIMELINE
G. Distribute notebooks to team members; complete all preparation tasks.	Team Leader	1 week pre-onsite
1. Verify onsite schedule.	Team Leader	2 days pre-onsite
2. Distribute pre-onsite material: - Onsite master schedule to team. - Approved Operational Plan and Amendments. - Approved Project Applications and Amendments. - Map of schools, if available. - Listing of schools from Educational Directory. - Projects and amendments. - List of teachers and evaluation personnel. - Monitoring materials: interview guides, criteria document, student profile sheets, project monitoring.		

Onsite Process

TASK	PERSON	TIMELINE
A. Participate in entrance interviews.	Team	Day 1
B. Conduct interviews with EC administrator, assistants, designees, area directors, supervisors, finance officer, principals, teachers and other student evaluation personnel, as appropriate.	Team Leader and Members, as appropriate	Day 1 through _
C. Conduct interviews with principals, student evaluation personnel, and teachers.	Team Leader and Members as appropriate	Day 1 through _
D. Verify any discrepancies noted in personnel data.	Team Leader	Day 1 through _
E. Complete students record profiles.	Team Members	Day 1 through _
F. Observe in EC classrooms.	Team Members	Day 1 through _
G. Administer follow-up compliance verification.	Team Member	Day 1 through _
H. Attend team meeting.	Team Member	1 day prior to exit conference
I. Provide team leader with Exit Conference/Monitoring Summary.	Team Members	1 day prior to exit conference
J. Participate in exit interview.	Team Leader and Members	upon completion of onsite

Post-Onsite Process

TASK	PERSON	TIMELINE
A. Report writing.	Team Members	1st week post-onsite
B. Attend post-onsite meeting.	Team Leader	
C. Word process the report.	CCMS Word Processor	2nd week post-onsite
D. Technical and policy review.	Director/Team Members	3rd week post-onsite
E. Revise report and submit to Director for approval.	Team Leader	3rd week post-onsite
F. Collect, package, and file work papers.	Team Leader	4th week post-onsite
G. Mail report to district.	Team Leader	4th week post-onsite
H. Receive any additional evidence from district/agency.	Director/ Team Leader	30 days after district/ agency receives report
I. Amend report as needed.	Team Members	As assigned
J. Obtain Director's approval.	Team Leader	
K. Issue report as final.	Team Leader	30 days after receipt of district/ agency response

PRE-SITE PLANNING
CCMS TEAM LEADER TASKS

______ 1. Provide written notice to LEA or Agency.

______ 2. Conduct district/Agency orientation meeting.

______ 3. Make written information request with deadline for receipt.

______ 4. Schedule first team meeting and notify team in writing.

______ 5. Review and catalog information documents received from LEA/Agency.

______ 6. Assign review tasks to staff.

______ 7. Select schools/programs- an example of sampling procedures is provided on page   to assist with this task.

______ 8. Draft schedule with staff assignments.

______ 9. Obtain Dr. Haltom's review and approval of schedule.

______ 10. Call local administrator for reaction to schedule with additional negotiation with Dr. Haltom, as necessary.

______ 11. Conduct team meeting.

- o Provide copy of LEA/Agency documents list and review organization of records box.
- o Provide overview of presite and onsite assignments and schedules.
- o Establish date for second team meeting, no later then one week prior to onsite.

______ 12. Notify LEA/Agency administrator of team and schedule.

______ 13. Conduct second team meeting.

____ a. Verify that all presite review assignments have been completed.

____ b. Identify criteria/issues requiring onsite review.

____ c. Refine onsite review procedures and schedules to ensure coverage of issues, including:

- Additional evidence to be collected.
- Method of collection.
- Sources of evidence.

CCMS SAMPLING PROCEDURES

RATIONALE: Purposeful sampling procedures will be used to select cases, i.e., schools, programs, records, and interviewees. Use of purposeful sampling will ensure the ability to determine compliance of critical components of the district's/agency's service delivery system.

EXAMPLES OF SAMPLING PLANS

A. Guidelines for Sampling Schools and Programs

1. Select schools and programs which illustrate the array of programs and services provided by the district including:
    - a. Levels of the Continuum of Services: I-VII.
    - b. Organizational structure: elementary, middle and high school. Integrated EC program vs. isolated EC program.
    - c. Linkages in the service delivery system such as feeder patterns.
2. Select schools or programs which represent geographic variance or economic variance which is believed to have impact on the service delivery system.
3. Select schools or programs based upon information provided by state or district staff.

B. Guidelines for Student Record Sampling

1. Review a maximum of records in each school or program site visited.
2. Select records to provide for an equal coverage of pre-kindergarten, elementary, middle and high schools and levels of the continuum provided for the district/agency, when possible.
3. No more than 60% of the records from low prevalence programs should be sampled. (i.e., Visually impaired, hearing impaired, profoundly mentally handicapped, deaf/blind, autistic).
4. Purposefully sample records to check on specific requirements such as:
    - o dissemination of program planning information.
    - o planning for high school graduation.
    - o placement of transferring students.
    - o students placed in interagency programs.
    - o handicapped students receiving discipline such as suspension.
    - o handicapped students assigned a surrogate.
    - o students who have been the subject of due process proceedings.
    - o students placed in private schools or facilities.

C. Guidelines for Selection of Interviewees

1. In all instances several verbal reports should be used to assist with compliance verifications. It is very risky to make a finding of non-compliance based upon the verbal report of one individual.

2. Select the numbers and types of staff for interview which should assist in determining the extent of compliance across schools and programs for any issue being verified onsite.

DEVELOPING AN ONSITE MONITORING PLAN

The primary focus of the onsite visit is to verify that approved policies and procedures are being implemented. Review and approval of the Operational Plan for the district or agency should have provided a clear determination that the written policies and procedures of the district/agency and many of the forms which they use to document implementation of the requirements are in compliance.

In planning for the onsite, it may be helpful to visualize the district's/agency's process as one of identification, planning, programming, and dismissal. Requirements which are in need of onsite may be grouped and assigned by these categories. For example, a question which should be addressed is: "What management procedures, including documentation exit in the district/agency to ensure that the identification requirements are fulfilled?" The operational plan will describe many of these procedures. Such procedures and the personnel responsible for their implementation should be scheduled for interview.

Use of the following form in the team's presite planning meeting should assist in making sure that important implementation issues are targeted for onsite verification. It should also assist in making sure that the team members are informed and properly scheduled to conduct the review.

ONSITE MONITORING PLAN

DISTRICT/AGENCY:____________________

DATE OF ONSITE VISIT:________________

TEAM LEADER:_______________________

INSTRUCTIONS: Based upon the review and analysis of information during the presite phase, develop an onsite monitoring plan. Based upon the monitoring criteria, specify the specific issues or questions to be addressed, the additional evidence to be collected onsite, source(s) of the evidence (specific or generic name of the document or file, position, title), and, the method to be used (document or file review, interview, observation).

MONITORING CRITERION IN NEED OF FURTHER REVIEW TO DETERMINE COMPLIANCE	SPECIFIC ISSUES OR QUESTIONS TO BE ADDRESSED	EVIDENCE TO BE COLLECTED	METHOD OF COLLECTION	SOURCE

MONITORING CRITERION IN NEED OF FURTHER REVIEW TO DETERMINE COMPLIANCE	SPECIFIC ISSUES OR QUESTIONS TO BE ADDRESSED	EVIDENCE TO BE COLLECTED	METHOD OF COLLECTION	SOURCE

CONDUCTING INTERVIEWS

Interviews are conducted using the Exceptional Child Administrator Interview Guide and the IEP Implementation Guide. Please note that these are named GUIDES. It is the responsibility of the monitoring team to identify questions which need to be asked to assist in determining that approved policies and procedures are being implemented and to ask those questions of the appropriate personnel. In most cases, all interview information should be recorded on these Guides. Other interview data obtained from district or agency staff should be documented and submitted as part of the monitoring file.

The Entrance Interview

When the CCMS team initially enters the district or agency site, a brief restatement of the purpose of the visit and the procedures to be used should be made by the team leader. District staff should be encouraged to provide a brief overview of their program organization. This will assist in reconciling any language problems. Any questions, formulated by the team that should be answered for all team members before they conduct any additional work, should be addressed at this time. Also, any logistical problems which have arisen should be addressed.

General Interviews

Exceptional Child staff may benefit from a review of interview skills. There are three critical components to a successful interview - beginning, conducting and concluding. When beginning an interview session, it is important to introduce yourself to the respondent, if you have not met previously. If you know the respondent, extend a greeting. Next, state the purpose of the interview and some overview of how the process will be conducted to help the respondent feel at ease and know what to expect.

Once the questioning has begun, it is important to formulate questions that encourage the respondent to describe policies and procedures, as opposed to "yes/no" answers. Questions should only contain one concept, not two or three. Multiple concepts within a single question are often confusing to the respondent. Avoid asking leading questions. Also, care should be also taken to ensure that the respondent does not sidetrack the interview process. If the respondent begins to discuss other issues, it is the responsibility of the interviewer to redirect the questioning.

When all of the information has been obtained, conclude the interview by thanking the respondent for participating. You may also want to provide some information about the remainder of the overall process to enable the respondent to be an informed participant in the CCMS.

School/Program Site Protocol

Upon entering a school/program site, the following procedures should be followed.

A. Report to the Main Office or other designated site. The Team Leader should take care of introductions.

B. Conduct a brief orientation with the Principal or designee.

1. Explain the purpose of the school-level review. (The purpose of the school-level review is to verify the district's implementation of state and federal requirements for programs for exceptional students. There is no intent to identify schools or individual staff within the monitoring report. Information on the presence of compliance problems within a particular school will be provided verbally, upon request from the Superintendent or the Supervisor of Special Education.)

2. Explain the activities which will be conducted at the school. Activities which will be conducted at the school include:

   - reviewing a sample of student records.
   - checks to determine that confidentiality of student records procedures are being implemented.
   - checks on the implementation of individual student's IEPs.

3. Ask the school staff member to provide a brief explanation of how the student records are organized and maintained.

C. Complete all assigned tasks.

D. Exit with the Principal or designee. Express thanks for hospitality and let them know if you will be requesting any follow-up information. For example, if screening verification was not possible for some students and you plan to ask that those records be located and forwarded, provide notice of that upcoming request.

REVIEWING RECORDS AND REPORTS

Policies and Procedures

Regardless of when a policy or procedure is developed by the district/agency and obtained by the Department, such policies and procedures are reviewed and the results are documented using the Operational Plan Review Checklist and the Administrative Manual. All of the districts'/agencys' policies and procedures should have been included in their Operational Plan and reviewed and approved at that time. If changes have occurred in policies and procedures such changes will be reviewed as part of the onsite monitoring process. In the initial contacts with the district/agency exceptional child administrator, the Team Leader will make an effort to obtain any additional changes which have occurred in policies and procedures, so that they can be reviewed prior to the onsite visit. All monitors should be attuned to identifying any new written policies during their onsite work.

Forms

All forms provided by a district or agency as evidence of compliance with the requirements are reviewed using the CCMS Forms Checklist. The results of the review are documented on the Checklist.

Individual Student Records

All individual student records reviewed to determine their compliance with requirements are reviewed using the CCMS Student Profile sheet. The results of the review are documented on the Student Profile Sheet. The CCMS Criterion Document and the Administrative Manual describe the specifics of the requirements and should be used as references.

Implementation of IEPs

Interviews and review of documents to determine that a student's IEP is being implemented as designed are conducted using the IEP Verification Guide. The results are recorded on the Form.

Special Projects Documents

Interviews and review of documents associated with the district's/agency's operation of a special project are conducted using the Project Monitoring Form. The results of the review are recorded on the Form.

CCMS REPORT

PURPOSE The EC/Special Programs Division must issue a written report which identifies any discrepancies found in the a local school district or other public agencies' compliance with state and federal requirements for providing a free, appropriate public education for handicapped students. The report must clearly require the correction of any such discrepancies and provide the framework for continuing interaction with the school district or other public agency to ensure that such discrepancies are in fact corrected. The report must be issued by the Division in a timely manner to ensure that such discrepancies which may be found are not left uncorrected for an unreasonable period of time.

FORMAT The following outline and content specifications should be used in developing each CCMS Report:

A. Cover Letter.

The cover letter transmits the report from the Division Director to the Superintendent of the local school division or the Administrator of the Public Agency. The cover letter should state that the CCMS Report is enclosed and specify the timeline within which the Agency must provide any additional information which it may wish to have considered prior to the report becoming final. The suggested timeline is 10 working days from the date of the receipt to the report.

The cover letter should also specify the need for the agency to conduct corrective action planning to ensure that the discrepancies cited are corrected and describe the procedures f[illegible] continuing interaction between the Division staff and the school district or agency staff. An example of a format which can be used for documenting a written corrective action plan should be provided. Technical assistance relative to corrective action planning should be provided, as needed.

B. Body of the CCMS Report.

1. Introduction.

   o Provide a brief description of the CCMS. Include the purpose and the activities (Pre-onsite training, conferences, telephone conferences, interactions relative to corrective action plans, review of written documentation and the onsite visit).
   o Cite dates and names of significant participants.
   o Acknowledge the cooperation of staff.
   o Describe how the rest of the report is organized.

2. Overview of the Program Provided by the LEA or other Public Agency.

   o Using the material provided by the LEA or other public agency, provide a brief description of the program. This information should be written in such a fashion that other interested readers of the report who are not familiar with the details of the program are assisted. This information should help decision-makers in formulating meaningful statements of recommendations for improvement and corrective actions.

- Include information on the numbers and types of students served and the program and service delivery system.

3. Findings/Corrective Action.

   - Cite each discrepancy found in the Agency's compliance with state and federal requirements. Describe the evidence available to support the finding.

   - State the required corrective action which the district or agency must enact and the time by which such corrective action must be complete.

Team Writing Assignments

Assignments for development of the CCMS report can be successfully handled in several fashions. Using the report outline and examples of previous reports a majority of the report can be drafted during the postsite team meeting. The team leader can then edit the draft prior to word processing. Where complex issues exist which can not be resolved during the meeting, the staff member having the most information on the issue can be assigned to complete a draft of that section of the report and submit it to the Team Leader.

A second way of developing the report is to assign staff members the responsibility of writing any findings and recommendations for a particular area prior to the onsite visit. For example, one team member may be assigned to write the section on special projects findings.

Other ways of assigning staff to develop the report may be used depending upon the nature of a particular report. The important factor in report development is to make sure that the report reflects the information and findings of each team member and that consensus is reached on findings of non-compliance. When possible, team members should review the draft report prior to its release to make sure that their findings are accurately reflected in the report.

The following general guidelines and style guide are provided for use in developing CCMS Reports. The team leader will provide examples of previous reports and other specific assistance relative to format of the report.

HELPFUL HINTS FOR MONITORING REPORT WRITERS

1. Since the monitoring report can be an important way to improve educational practices, staff should write primarily to inform those people who can bring about such improvements. When you are writing, keep in mind the audience for whom your segment of the report is intended.

2. Whenever possible, write simple, concise prose. Elaborate and ambiguous language detracts from the report's overall effect. (p.77, Plain English)

3. Because recommendations usually receive the most attention when a report is received by a district/agency, make certain that any recommendation is supported by a specific finding.

4. Monitors must use professional judgment, rather than personal bias, in reporting information and findings and in making recommendations. All findings in the report must be based upon verifiable, specific evidence, and not upon informal "hearsay."

5. In reporting any "commendable" findings, make certain that what you are commending is worthy beyond what is generally regarded as normal procedure in an effective school syste Minimally meeting criteria is not a basis for commendation.

6. Do not overload the report with superfluous findings and/or recommendations.

7. To answer specific questions about grammar, mechanics, and usage, refer to Plain English Handbook, Seventh Revised Edition, by Walsh and Walsh (McCormick-Mathers Publishing Company).

STYLE GUIDE ADDENDA

SPELLING LIST

1. Occurring -- two "r's"
2. Accommodate -- two "m's"
3. Ensure -- instead of "insure"
4. Regardless -- instead of "irregardless"
5. Equipped -- Two "p's"

BREVITY TIPS

	Use	Instead of
1.	It appears that . . .	As best as could be determined. . .
2.	Because . . .	Due to the fact that . . .
3.	Something "exists"	Something "has been established . . ."
4.	The district "is commended. . ."	The district "is to be commended . . .

OTHER USAGE CONVENTIONS

1. Avoid extra words and phrases in a sentence that do not add to the basic meaning.

2. Use the expression "and the like" in place of the abbreviation "etc." in a formal report like a monitoring report.

3. Underline titles of books and published documents.

4. Place titles of articles, memoranda, unpublished papers and the like in quotation marks.

5. "It's" means "it is."

6. "Its" is used to convey the possessive case.

7. Avoid jargon and slang expressions. Use "inservice training" rather than "inservice," which lacks specificity.

8. Remember the difference between a large ratio and a small ratio. If in doubt, convert the ratio or ratios to their corresponding decimal number or numbers and compare for relative size.

9. Avoid findings such as "It was not clear whether the plan was adopted in compliance with 14 Del. C.1." This indicates to some readers and reviewers that the monitor did not finish the job onsite. Find out whether the plan was adopted properly or not.

10. Back up adverse findings with appropriate evidence.

11. Carefully coordinate findings from one area that have implications in another area with the Monitor investigating the other areas.

12. Reserve commendations for exemplary practices observed or noted. Avoid commending a district for doing what they are supposed to be doing anyway, or for simply being nice to the monitoring team.

CORRECTIVE ACTION PLAN

In this context, the term Corrective Action Plan is used to emphasize the need for a specific written plan for correction of discrepancies in compliance with state and federal standards. The Corrective Action Plan must be reviewed and approved by the Division staff. Once the plan is approved, Division staff must also monitor to ensure that the Corrective Action Plan is being implemented as approved.

A Corrective Action Plan should state specifically each of the discrepancies which are to be corrected and the date upon which the correction will be complete. Activities which will be conducted to effect the correction should be briefly described. The person or persons who are responsible for carrying out each activity should be specified, as well as the projected beginning and ending for the activity.

The administrator who will be responsible for follow-up to determine that the Corrective Action Plan is implemented should be stated if that person is other than the district's/agency's EC supervisor. The district's EC Supervisor or Superintendent or head of the other public agency will be responsible for communication with the Exceptional Child/Special Programs Division relative to verification that the corrective actions have been completed.

Figure X is an example of a form which can be used for corrective action planning. An explanation of each part of the form follows.

Discrepancy to be Corrected	The Division's CCMS Report will specifically state the discrepancies in compliance with state and federal standards which must be corrected by the district or program.
Target Date	Target dates are used to specify the date (month and year) upon which the discrepancy will be corrected. Target dates may be influenced by many factors including the severity of the discrepancy and the complexity of the actions which will be required to correct the discrepancy.
Activities and Resources	Specify the activities which will be conducted and the resources which will be used to effect the correction. Activities should always include communication, written and/or verbal, with the EC/Special Programs Division staff to provide evidence needed to verify that the discrepancy has been corrected. Such communication may include written and verbal communication. Onsite visits may also be scheduled by the Division, if necessary.
Schedule	Specify the dates projected for beginning and ending specific activities.
Persons Responsible	Using job titles, specify the personnel who will be responsible for completion of activities.

Division staff will make periodic progress checks to determine that the district or agency is implementing the Corrective Action Plan. Failure to implement corrective actions is grounds for sanctioning the district or agency.

Page ____ of ____

____
(District/Agency)

CCMS CORRECTIVE ACTION PLAN

____
(Date)

DISCREPANCY REQUIRING CORRECTION AND TARGET DATE FOR COMPLETION	ACTIVITIES AND RESOURCES	PERSONS RESPONSIBLE	SCHEDULE BEGIN/END

COMPLIANCE FOLLOW-UP VERIFICATION

AUTHORITY: As stated in the district/agency monitoring report that is to selected for compliance follow-up.

PURPOSE: The purpose of Compliance Follow-up is to verify that corrective actions planned by the district/agency have in fact been implemented and that the cited discrepancies have been corrected.

The following examples may be used to determine when a compliance follow-up has been used:

- o discrepancies in district forms have been corrected;
- o discrepancies in student records cited in previous monitoring reports have been corrected when possible;
- o discrepancies in personnel qualifications have been corrected;
- o discrepancies in contractual arrangements with private schools have been corrected;
- o discrepancies detected in project monitoring have been corrected; and,
- o recommendations of program improvement have been considered as well as the extent of implementation and utility.

INTENT: The Compliance Follow-up is designed to ensure adherence of local education agencies with the requirements of subparts C, D, and E of the federal regulations of P.L. 94-142. As required by 34 CFR 76.101(e)(4), the state education agency must implement monitoring and evaluation activities of all public school districts within the state.

Schedule:

Compliance Follow-up in school districts/agencies will only be conducted if the Division of Exceptional Children/Special Programs has on file prior findings and Corrective Action Plans which require collection and review of data to verify that the district/agency has corrected cited deficiencies.

Compliance Follow-up activities will include off-site review of documentation provided by the district/agency and will be a component of each CCMS onsite monitoring visit, as appropriate. Special onsite reviews will only be used as determined necessary by the Exceptional Child/Special Programs Director and will be used when verification of corrections is not possible through review of documentation or telephone interview.

Follow-up compliance monitoring may be conducted as the results of administrative complaints for which the Director requires additional information to resolve the complaint.

. **METHOD**: Once a follow-up monitoring assignment is received, the Monitor is responsible for reviewing the district's/agency's previous monitoring reports and Corrective Action Plans. DPI correspondence relative to the review and approval of corrective action plans should also be in the monitoring file and must be reviewed. The district's or agency's monitoring file may also include documentation that the district/agency has routinely submitted for review relative to correction of deficiencies. This information must also be reviewed.

The monitor is responsible for development of a follow-up monitoring plan. The plan will provide for review of the correction of all significant discrepancies which have not been corrected or which are in need of onsite review to determine that the district/agency has actually implemented corrective actions as approved. The follow-up monitoring plan will be reviewed with the team leader to prepare an onsite schedule, as necessary. When appropriate, the monitor is responsible for:

- interviews with the EC administrator and other district staff members;
- review of documentary evidence such as personnel records, financial records or other related records;
- review of documentary evidence such as student records, IEP's and other related information;
- school and classroom visitations when appropriate; and
- The monitor is also responsible for consulting with the Division staff who conducted prior monitoring/audits to review findings, recommendations, and workpapers when necessary.

Using the Compliance Follow-up worksheet on the next page, the Monitor will list the discrepancies and provide information on the follow-up implemented by the district/agency. Additional copies of the Follow-Up Monitoring Form should be duplicated as necessary.

CCMS COMPLIANCE FOLLOW-UP VERIFICATION

District/Agency: ____________________ **Monitor:** ________________________

Site: ________________________________

DISCREPENCIES/RECOMMENDATIONS TO BE VERIFIED	REVIEW TASKS

CCMS COMPLIANCE FOLLOW-UP VERIFICATION
PAGE 2

COMPLIANCE STATUS	DISCREPANCY	CORRECTIVE ACTIONS REQUIRED

OFFICIAL MONITORING FILES

OSEP requires that the SEA maintain a complete record of all monitoring activities. The SEA is also required to provide a hearing in the event that a district or agency requests a hearing relative to an identified deficiency. A Monitoring File should be established for each district or agency. Each Monitoring File should be maintained as if SEP were going to review it and that the file was going to be the subject of a hearing procedure. Each team member must be responsible for submitting all of their CCMS materials in an orderly fashion for inclusion in the official Monitoring File.

Include in each district's or agency's Monitoring File all official documents including:

1. Notice.
2. Data Submitted for Review.
3. Any additional written request or telephone log.
4. Onsite Monitoring Plan.
5. All official work papers.
   -Interview Guides
   -IEP Verification
   -Student Profile Sheet
   -Forms Review Checklist
   -Project Review document
6. Draft Report.
7. Final Report.
8. Corrective Action Plan.
9. Approval Notice.
10. Results of Follow Up Contact, either verbal or written.

In a secondary file, maintain descriptive, supportive information which is not a policy, procedure, form, and the like as direct evidence of compliance. Examples of such information are brochures or pamphlets which generally describe district or agency programs or services.

LIST OF STANDARD FORMATS AVAILABLE FOR CCMS COMMUNICATIONS

1. Notice of onsite monitoring visit to district/agency, attach checklist of information needed.

2. Notice to Other Public Agency.

3. Notice of Onsite Sample of Sites/Programs.

4. Cover letter for Draft Report.

5. Report Format.

6. Cover letter for Final Report.

7. Corrective Action Plan Format.

8. Letter regarding review and approval of Corrective Action Plan.

9. Letter requesting information on status of implementing a Corrective Action Plan.

COMPREHENSIVE COMPLIANCE MONITORING
FORMS REVIEW CHECKLIST

District/Agency: ____________________
Date: ____________________
Reviewer: ____________________

Due Process/Staffing/IEP

1. The district has the following forms.

YES NO

____ ____ a. Parent Notice and Consent for Evaluation

____ ____ b. Parent Notice and Consent for Placement

____ ____ c. Parent Notice for IEP Meeting

____ ____ d. IEP Meeting (Initial Development)

____ ____ e. IEP Meeting (Review)

____ ____ f. IEP Form

____ g. Parent Notice of Reevaluation

____ ____ h. Parent Notice of Ineligibility

____ ____ i. Parent Notice of Dismissal

____ ____ j. Procedural Safeguards

____ ____ k. Annual Notice of Confidentiality

____ ____ l. Parent Consent for Disclosure

____ ____ m. Record of Access

____ ____ n. Annual Notice of Student Discipline Polices

2. **Collect all forms and complete the following checklists. Items marked with an asterisk (*) are required. Items without an asterisk are best practices content.**

COMPREHENSIVE COMPLIANCE MONITORING SYSTEM
FORMS REVIEW CHECKLIST

____

COMMENTS/RECOMMENDATIONS

1. Parent Notice and Consent for Evaluation

____ *Proposed action described

____ *Reason for evaluation described

__ *Specifies tests, records, reports to be used

____ *Procedural safeguards enclosed

____ Contact persons for questions stated

____ Copy for parent provided

---

2. Parent Notice and Consent for Placement

____ *Proposed placement specified

____ *Tests, records, reports described

____ *Options, considered/rejected stated

____ *Procedural safeguards enclosed

____ Contact person for questions stated

____ Copy for parent provided

---

3. Parent Notice of IEP Meeting

____ Form letter used

____ Phone calls documented (date, response)

______*Specifies purpose of meeting

____ *Specifies time and location of meeting

____ *Specifies who will attend

____ Parent's right to bring other people stated

____ Contact person for questions stated

____ Form for Parent notice of annual review

COMMENTS/RECOMMENDATIONS

4. MDT Meeting Form

_____ Date of staffing specified

_____ Members attending (signatures) noted

_____ EC Administrator/designee specified

_____ Specifies program eligibility

_____ EC Administrator sign-off/date

---

5. IEP Meeting (Initial Development)

_____ Specifies date

_____ Specifies individuals attending (LEA rep., parent, teacher, etc.) with signatures

_____ Copy for parent provided

_____ Alternate methods of parent participation documented

5a. IEP Meeting (Review)

_____ Specifies date

_____ Specifies individuals attending LEA rep., parent, teacher, etc.) with signatures

_____ Copy for parents provided

_____ Alternate methods of parent participation documented

---

6. IEP FORM

_____ *Student's name

_____ *Date IEP developed

_____ *Present level of educational performance

_____ *Annual goals

_____ *Short-term instructional objectives

_____ *Evaluation criteria and procedures

COMMENTS/RECOMMENDATIONS

6. IEP Form (continued)

____ *Special program provided

____ *Related services

____ *Participation in regular education

____ *Date of initiation

____ *Date of duration

---

7. Parent Notice of Reevaluation

____ *Proposed action described

____ *Reason for evaluation described

____ *Specifies tests, records, reports to be used

____ Contact person for questions stated

____ *Procedural safeguards enclosed

____ Copy for parent provided

---

8. Notice of Ineligibility/Dismissal

____ *Proposed placement specified

____ *Tests, records, reports described

____ *Options considered/rejected stated

____ *Procedural safeguards enclosed

____ Contact person for questions stated

____ Copy for parent provided

COMMENTS/RECOMMENDATIONS

9. **Notice of Dismissal**

____ *Proposed placement specified

____ *Tests, records, reports described

____ *Options considered/rejected stated

____ *Procedural safeguards enclosed

____ Contact person for questions stated

____ Copy for parent provided

Procedural Safeguards - Master Checklist

*10. All notices of procedural safeguards available to parents include the right to:

YES	NO		
____	____	1.	examine all records related to the referral, identification, evaluation or educational placement.
____	____	2.	explanations and interpretations of the records.
____	____	3.	copies of the records.
____	____	4.	seek correction of the child's records if the parent believes they are not accurate.
____	____	5.	given consent prior to the disclosure of certain information.
____	____	6.	request a hearing if the parent and the school district cannot reach agreement regarding the information in the child's records.
____	____	7.	request and obtain an independent evaluation.
____	____	8.	have an independent evaluation considered in decisions regarding the child.
____	____	9.	refuse to agree to the pre-placement evaluation.
____	____	10.	refuse to agree to a school district's proposed placement or a refusal to place the child in an exceptional child program.
____	____	11.	withdraw the consent to allow an evaluation or placement at any time.
____	____	12.	be notified of any other action the school district proposes to take regarding further identification, evaluation, change of placement, or provision of an education for the child.
____	____	13.	request and receive the results of an impartial hearing within forty-five (45) days after the receipt of that request.
____	____	14.	have the hearing conducted by an impartial hearing panel

YES NO

____ ____ 15. be accompanied and advised by an attorney or other individuals with special knowledge of exceptional children.

____ ____ 16. present evidence, or to prevent the introduction of evidence that has not been provided to the other party at least five (5) days prior to the hearing.

____ ____ 17. question and require the attendance of witnesses.

____ ____ 18. obtain written or taped record of the hearing.

____ ____ 19. obtain the written findings and the decision of the hearing officer.

____ ____ 20. have the child present.

____ ____ 21. open the hearing to the public.

____ ____ 22. receive from the school district information about free or low-cost legal and other appropriate services.

____ ____23. appeal the decision of the hearing panel to the District Court of Appeal, within thirty (30) days of the date of the hearing order.

____ ____24. have the child remain in his present program during all hearings and appeals, unless the parent and the school district agree to another placement; or, if the child is not attending school, agree to place him/her in a public school program until all hearings are completed.

25. assignment of a surrogate parent if:

____ ____ a. the child is a ward of the state

____ ____ b. no parent/guardian can be identified

____ ____ c. no parent/guardian can be located

The procedural safeguards document has been translated into other languages?

List languages:

Confidentiality of Student Records

12. The district has provided within the last year, written notice to inform parents or guardians of pupils or adult students of their rights.

____ Yes ____ No

If yes, maintain copy and examine the notice. The notice contains:

YES NO

____ ____ *a. right of access?

____ ____ *b. right of waiver of access?

____ ____ *c. right to challenge?

____ ____ *d. right of hearing?

____ ____ *e. right of privacy?

____ ____ *f. notice of location and availability of the district's policy on education records of pupils

13. The notice contains specific information regarding the records of handicapped students?

____ YES ____ NO

14. Alternative notice procedures are utilized to provide notice to parents or guardians in the language or mode of communication most commonly used by the parent?

____ YES ____ NO

If yes, type of alternative utilized:

Languages: ____________
____
____

Interpreters: ____________
____
____

15. Parent consent is obtained prior to disclosure of personally identifiable data?

____ YES ____ NO

Obtain copy of form used to obtain parental consent.

16. The form includes:

____ ____ *a. specification of the records to be disclosed?

____ ____ *b. the purpose of the disclosure?

____ ____ *c. the party or class of parties to whom a disclosure is to be made?

____ ____ *d. date?

____ ____ *e. signature?

Record of Access and Disclosure

17. The district maintains a record of requests and disclosure.

____ YES ____ NO

18. Examine the form utilized for the record. The form provides for documentation of the name of:

____ ____ *a. person gaining access?

____ ____ *b. date of access?

____ ____ *c. purpose?

19. The district maintains, for public inspection, a current listing of the names and positions of those employees who may have access to personally identifiable information.

____ YES ____ NO

If yes, inspect the listing.

Where is the listing maintained?

Schools ____

District Office ____

Other ____

12/18/87

DELAWARE CCMS

INTERVIEW GUIDE
SPECIAL EDUCATION ADMINISTRATOR

District/Agency:______________________ **Monitor:**____________

Interviewee:________________________ **Date:**______________

PURPOSE

The purpose of this interview is to assist us in verifying the district's/agency's implementation of its Operational Plan and the state and federal requirements governing programs and services for handicapped students. Your responses to the questions and sharing examples of records and reports which illustrate the district's implementation will be used along with other evidence to make compliance determinations.

Many of the questions focus on management procedures and outcomes. Management is planning, directing, monitoring and controlling activities that accomplish the goal of providing a free, appropriate public education for the students. Management activities include development of policies and procedures, provision of instruction and training for staff, conducting reviews of implementation, and evaluating the impact of the policies and procedures. Other district/agency staff may also be responsible for carrying out management activities related to the Operational Plan and the requirements. As we discuss each question, please identify any other district personnel who are primarily responsible for assisting in implementing the procedures and who have not already been scheduled for interview. If necessary, we will schedule an interview with those staff members.

GENERAL QUESTIONS/ENTRANCE INTERVIEW

1. What, if any, changes have occurred in policies and procedures since the approval of the district's/agency's Operational Plan? Are all of the changes reflected in amendments filed with DPI or in the material provided prior to the on-site review?

2. Please provide a brief, overall description of how the district/agency is organized and staffed to provide special education and related services for handicapped and gifted students.

3. Please describe the procedures used to ensure that all personnel who provide student evaluation services, instruction and related services are appropriately qualified for their positions.

4. Please describe how personnel development activities are planned, implemented, evaluated and reported.

5. Please provide a brief, overall description of the district's/agency's Identification, Planning, Placement, Review and Dismissal (IPPRD) process.

6. Please provide a brief, description of any problems which the district/agency is encountering in implementing the Operational Plan. Also provide a description of any recommended solutions to those problems.

SPECIFIC QUESTIONS AS NEEDED

1. How do you maintain information on the identification and service delivery for all handicapped students?

2. Are you aware of any handicapped children ages 0-21 who are not receiving needed education, training or related services?

   _____Yes Describe:

   _____No

3. How do you maintain information on screening of preschool children?

4. How do you maintain information on screening of in-school students?

5. How do you manage the prereferral intervention requirements?

6. How do you manage the referral requirements?

7. How are the prior consent and notice requirements managed?

8. What procedures are used to make sure that the requirements on the number and types of student evaluation procedures are implemented?

9. How often are you faced with providing evaluation services for non-English speaking students? How do you meet the need of providing evaluation services in other languages?

10. How are Multidisciplinary Diagnostic Teams (MDT) organized and deployed?

11. Are there standard formats for MDT reports?

_____Yes Obtain example.

_____No

12. How are MDT reports monitored to make sure that they contain the required components?

13. How are the reevaluation procedures managed?

14. How are independent evaluation requirements managed?

15. What procedures are used to make sure that independent evaluations meet all of the same requirements as those student evaluations conducted by the district or agency?

16. How is the IEP process managed?

17. How often are you faced with the need to provide interpreter services for parents so that they have maximum opportunity to understand the proceedings of IEP meetings? How do you meet the need?

18. How often are you faced with needing a surrogate parent for the IEP process?

19. How is long range planning for students entering 9th grade managed?

20. When do you monitor IEPs? When were the IEPs monitored in those schools which we have selected for on-site visit? What were the results? What, if any, follow-up actions have occurred since your monitoring?

21. Do you currently have any students placed in private or parochial schools?

_____Yes
_____No How are the IEPs for those students managed?

22. How are the IEPs of transferring students managed?

23. How do you manage emergency temporary placements?

24. What non-academic and extracurricular services are available to non-handicapped students in the schools selected for on-site review? How do you make sure that these services are also available, as appropriate, for handicapped students?

25. What supplemental services (music, physical education, industrial arts, consumer and homemaking education and vocational education) are available to the non-handicapped students in the schools selected for on-site review? How do you make sure that the same services are available to handicapped students?

26. What related services are currently being provided by the district/agency?

_____transportation

_____speech pathology and audiology

_____psychological services

_____physical and occupational therapy

_____recreation

_____early identification and assessment of disabilities

_____counseling services

_____medical services for diagnostic or evaluation purposes

_____school health services

_____social work services in schools

_____parent counseling and training

_____other supportive services as are required to assist a handicapped student to benefit from special education

27. How often are you identifying that the hearing aids worn by deaf and hard of hearing students are not functioning properly? How are these problems solved?

28. What, if any, facility problems are you encountering?

_____Space

_____Health

_____Fire safety

_____Providing barrier free environments

29. What, if any, problems are you encountering in providing the appropriate materials and equipment for implementation of IEPs?

30. How many students do you have who are receiving less than the required hours of a school day?

_____None

_____Number Explanation:

How are these exceptions reviewed and approved?

31. How is compulsory attendance for handicapped students ages 5 to 16 enforced?

32. What transportation arrangements (regular and special) are currently being used?

33. What vocational education arrangements are currently being used?

____regular vocational
____regular vocational with supportive services
____special vocational programs
____self-contained vocational programs at special schools

34. What staff are used to ensure that all handicapped students receive physical education?

35. How are the procedures for annual review of IEPs managed?

What are the results?

_____Number of students recommended for a change in placement

_____Number moving to more restrictive placements

_____Number moving to less restrictive placements

_____Number of students dismissed

36. Are requests received for dismissal at times other than at the annual review of the IEP? What are the reasons? Where do the students go?

_____Yes

_____No

37. How are articulation procedures managed?

_____ elementary to middle/junior high school

_____ middle/junior high school to high school

38. How are the procedures for meeting Minimal Performance Standards and graduation with a diploma or certificate of performance managed?

What are the results?

_____Number of students graduating last year

_____Number receiving diploma

_____Number receiving certificate of performance

39. How do you make sure that students are able to participate in graduation ceremonies without reference to the student's handicap, educational placement or the type of document conferred.

40. How are student discipline procedures managed?

_____ Tracking of in-school suspensions

_____ Tracking of transportation suspensions

_____ Tracking of discipline resulting from behavioral contracts

What are the results?

Suspension

_____Number of students suspended for 10 days or less

_____Number of students suspended for more than 10 days

_____Number of IEP meetings held to determine relationship of the offense to the student's handicapping condition

_____Number of decisions that the behavior was related to the handicapping condition

_____Number of decisions that the student was inappropriately placed at the time of the offense and in need of a change in program or placement

_____Number of students removed from their "present educational placement" due to danger or disruption

_____Number of students excluded from school as part of a treatment procedure. Length of exclusion for these students?

Corporal Punishment

How does the district inform parents of rules and regulations applicable to handicapped students with respect to discipline, suspension, expulsion, exclusion as a treatment procedures and corporal punishment?

____Number of students receiving corporal punishment

____Number of IEP meetings held to determine whether the misconduct prompting the proposed corporal punishment is related to or a manifestation of the student's handicapping condition

41. How are surrogate parent procedures managed?

42. How are parent requests for due process hearing handled?

43. How are parent requests for access to their child's educational record handled?

44. How are parent requests for copies of their child's record handled? What, if any, fees are charged for copies of records?

45. How are parent requests to visit and observe, either personally or through a representative, their child's participation in the current or proposed educational program handled?

46. How are confidentiality of student record procedures implemented?

_____Number of requests from parents to amend the record

  _____Number of amendments granted
  _____Number of amendments refused
  _____Number of due process hearings held relative to content of a student record

    _____Hearing required that record be amended
    _____Hearing denied amendment of the record
      _____Parents placed an explanation of disagreement in record

47. How many students are currently being served in private placements, through referral of the district? Where are these students located? How are private placement procedures implemented? What procedures are used to ensure compliance?

48. How many students does the district have in independent placements (without approval of the State Board) and is supporting those placements with school district or other agency funds?

How are independent placement procedures managed?

49. How are Delaware Educational Assessment Program (DEAP) procedures managed?

50. How are approved accommodations (flexible schedule, flexible setting, partial completion) provided?

DELAWARE CCMS

INTERVIEW GUIDE AND IEP VERIFICATION

District/Agency:____________________________ Monitor:_______________

Staff Member:______Special Education Teacher Date:_________________
______Related Service Staff
______Student Evaluation Staff
______MDT Member
______IEP Team Member
______Other:____

Purpose: The purpose of this interview is to assist in verifying the district's/agency's implementation of its approved Operational Plan. The primary focus of the interview is on the implementation of individual students' IEPs. ( ) student records have been selected from your class enrollment for review. The names of the students selected for review are:____

As we talk, you will need to share with us information that you use to implement the student's IEP. Examples of information may include: schedules, curriculum documents, lesson plans, text books, skills check lists, evaluations of student progress, and records of mastery of IEP goals and objectives.

In addition to talking with you, we will also contact other instructional and related services staff to verify that the students are receiving the programs and services specified in their IEPs. You may need to assist us in identifying those additional staff members and in locating them. We also will ask some general questions to assist us in determining that the district is carrying out other policies and procedures included in the Operational Plan.

IEP QUESTIONS

1. When are meetings held to develop students' IEPs?

   ____prior to assignment and within 30 days following that the student is eligible for special education and related services.

2. Did you participate in the meeting to:

   develop the students' IEPs? __Yes __No
   review the students' IEPs? __Yes __No

3. Who usually participates in IEP meetings?

_____Parent

_____Other agency staff

_____Student

_____Surrogate parents

_____LEA Representative

_____Evaluation Team Members

_____Current Teacher

_____Interpreters

Others:_______________________________

(SECONDARY IEPs ONLY)

_____vocational education staff
_____vocational rehabilitation staff
_____ special education staff
_____regular education staff
_____counseling staff
_____other human service agency staff, as appropriate

4. What, if any, responsibilities do you have for notifying parents of IEP meetings?

5. Has anyone visited you during the last year to review your IEPs?

_____Yes What were the results?

_____No

6. Are any of your students also enrolled in private or parochial schools?

_____Yes How are their IEPs developed and revised?

_____No

_____Not Sure

7. Did any of your students transfer from another district or agency?

_____Yes How are their IEPs developed?

_____No

_____Not Sure

8. To your knowledge, is the student receiving all of the programs and services on the IEP?

____Yes

____No Describe:

9. Describe how you implement the portion of the IEP for which you are responsible?

10. How do you evaluate the progress of the student? What are the results?

11. Do the results indicate that the student is appropriately placed?

_____Yes

_____No __Too restricted

__Needs additional programs or services

__Needs additional restriction

12. Do the results indicate that the student is in need of an IEP review?

13. Do the results indicate that the student is in need of additional evaluation services?

14. Do the results indicate that the student in in need of related services?

15. Do you have the materials and equipment necessary to implement all of your students' IEPs?

16. Are the students assigned to you grouped appropriately relative to the age of the other students in the class?

____Yes

____No Describe:

17. If you believe that a student's IEP needs revision prior to the scheduled annual review date, what procedures do you follow to obtain a review?

18. Have parents requested a review of their child's IEP? What procedures are followed?

19. Are parents provided a copy of their child's IEP?

____Yes

____No

____Not Sure

20. Have you ever recommended a student for dismissal from special education or a related service?

____Yes What were the procedures used?

What were the results?

____No

Upper Elementary School, Lower Middle School, Upper Middle School Only

1. When students are scheduled to move from the elementary school to the middle school or from the middle school to the high school, what procedures are used to make sure that the needs of the student are considered?

Secondary School Only Questions

1. How is the vocational component of the student's IEP developed?

2. Describe how your students have access to vocational program recruitment, enrollment and placement activities.

3. What procedures are used to make sure that students have the opportunity to meet graduation requirements?

4. What procedures are used to ensure achievement of the 17 Minimal Performance Requirements?

5. Do handicapped students participate in graduation ceremonies?

_____Yes

_____No

_____Not Sure

Is any reference made during the ceremony to the student's handicap, educational placement or type of document conferred?

_____Yes Describe:

_____No

STUDENT EVALUATION QUESTIONS

1. Do you participate in MTD procedures?

_____Yes What are your responsibilities?

_____No

2. How often are your students reevaluated?

_____At least every three years

_____Upon request by me

_____Upon request of the parent

3. What, if any, responsibilities do you have for reevaluation procedures?

PROGRAMS AND PLACEMENT QUESTIONS

1. Are all of your students receiving regular or adaptive physical education?

_____Yes

_____No

2. Are all of your students receiving vocational education, as appropriate?

___regular vocational
___regular vocational with supportive services
___special vocational programs
___self-contained vocational programs at special schools

3. Are any of your students bussed from other school attendance zones?

_____Yes Why?

_____No

4. Are any of your student's transported for long periods of time?

____Yes Why?

____No

5. What non-academic and extra-curricular services are accessible for your students? Are these the same as those available for non-handicapped students?

6. Do any of your students wear hearing aids?

_____Yes What procedures are used to make sure that the aids are functioning properly?

_____No

7. Are any of your students having severe attendance problems?

_____Yes How are the attendance requirements enforced?

_____No

8. What, if any, special transportation arrangements are provided for your students?

9. What staff development activities have you participated in during the last year?

Topic	Sponsor

STUDENT MANAGEMENT AND DISCIPLINE QUESTIONS

1. Have any of your students been suspended?

_____Yes What procedures were used?

_____No

_____Not Sure

2. Have any of your students been excluded from school as part of a treatment procedures?

_____Yes How long was the exclusion?

_____No

_____Not sure

3. Is corporal punishment administered to your students?

_____Yes What procedures are used?

_____No

DEAP QUESTIONS

1. Do your students participate in the Delaware Educational Assessment Program?

_____All

_____None

_____Some: Approximate Number________________

2. How is the decision made that a student will not participate in the DEAP?

3. Do any of your students use accommodations to participate in the DEAP?

_____Yes Describe what accommodations are provided and how they are provided?

_____No

_____Not Sure

PROCEDURAL SAFEGUARD QUESTIONS

1. Do any of your students have a surrogate parent?

_____Yes Describe their participation:

_____No

_____Not Sure

2. If one of your students appeared to need a surrogate parent, what procedures would you use to request a surrogate?

3. Have any of your parents requested to review the educational record of their child?

_____Yes What procedures were used?

_____No

_____Not Sure

3. Do the parents of any of your students need an interpreter in order to understand consent agreements?

_____Yes What procedures are used to obtain interpreters?

_____No

_____[illegible] Sure

4. Is parent consent required for anything other than initial evaluation and placement?

_____Yes Describe:

_____No

DISTRICT: ____________________

SCHOOL: ____________________

PROGRAM: ____________________

STUDENT PROFILE SHEET

REVIEWER: ____________________

DATE: ____________________

NOTE: If present, record date
If missing, record 0

If not required, record NR

STUDENT I.D. #											
Requirements	Ad. Manual										
SCREENING	p. 1										
-Hearing											
-Vision											
-Health											
-Orthopedic											
-Developmental											
PREREFERRAL /ENROLLED STD.	p. 2										
-Exempted											
-Records Review											
-Conferences											
-Anecdotal records											
-Observations(2)											
-Interven./Alt.(2)											
REFERRAL											
INFORMED CONSENT/ PREPLACEMENT EVAL.	p. 6										
-Native language											
INFORMED CONSENT/ PLACEMENT	p. 27										
-Native Language											
INFORMED NOTICE/ REEVAL. (3rd yr.required)											
-Native language											
NOTICE OF IEP MEETING (2)	p. 13										
-10 days prior											

STUDENT PROFILE SHEL
PAGE TWO

REQUIREMENT											
MDT REPORT Educational -educ. history -physical -socio-cultural -home and school behavior	pp. 7-8										
SPECIALISTS REPORTS as required by Regs. -psychological -psychiatric -speech -ophthalmological -audiological -physical	pp. 7-8, 18-22										
REEVALUATION REPORT -Meets all requirements of initial evaluation -Includes information for career guidance (Req.for students who are reeval. 1 yr. prior to entering 9th grade or	p. 9										
TRANSFER STUDENT INFO -Temp. placement -Temp placement form or IEP cover page countersigned	p. 17-29										

STUDENT PROFILE SHEET
PAGE THREE

REQUIREMENT	**IEP CONTENT** -Current -Participants in meeting -Present levels -Annual goals -Short term inst. objs. -Evaluation criteria and procedures -Dates for initiation and duration -Related Services -Participation in Reg. education -Physical Education -Vocational Education -Non-academic/extra curricular services -Consideration of LRE -Discharge from transportation to parent -Diploma requirements and options (Required prior 9th grade.) -Vocational/transitional component(Required prior to or during 9th grade.) -disciplinary procedures or limitations, as needed.	pp 11-15										
	DEAF TESTING	pp 82-83										
	GRADUATION REQS. (H.S. only) - H.P.R. (17) -Dist. of Credits -Attendance	pg. 14										
	ANNUAL IEP REVIEW DOCUM. (required each yr.)	pp 51-52										

PROJECT MONITORING

AUTHORITY 34 CFR EDGAR

Part 84.21-23
Appendix B, Part 74-81, 74.132-134,
74.137, 74.166.
Appendix C, Part I, E.2a.,
Part II, B.10.b.

34 CFR EDGAR

Part 76.580-581, 76.634, 76.700

34 CFR 94-142

Part 300.754(a)(c)

State Plan FY 88

INTENT

As recipients of federal funds, grantees shall plan, design and develop project proposals which have been coordinated with various groups and individuals. Methods of coordination depend upon the objectives and requirements of the project application and funding source. Grantees shall manage/implement projects in accordance with the terms and conditions of general and EHA VI-B assurances as well as the requirements of the Education Division General Administrative Regulations (EDGAR). The grantee shall assume administrative responsibility and leadership in accordance with the prescribed planning and management/implementation requirements in EDGAR, the project application and state memoranda.

The purposes of this examination are to determine compliance with requirements for planning, managing and implementing projects, which include:

(a) Coordinated project planning;

(b) Efficient and effective management;

(c) Implementation of project activities, including self-monitoring;

(d) Use of project funds for contracted services, services to private schools, equipment, facilities and travel;

(e) Implementation of project amendment procedures; and

(f) Fiscal management.

METHOD

This component is to be completed by the staff member(s) responsible for monitoring the PL 94-142 LEA project. Compliance with fiscal and program criteria must be examined. The monitor should determine which district staff should be involved in interviews. Personnel may include the administrator or designee for exceptional child education, project manager, staff of federal projects office, finance officer, property records personnel, personnel officer, and general services staff. Onsite visits should be made to schools where project personnel render services or equipment is placed.

This component should be completed through observation, interview of appropriate personnel and collection of physical evidence such as memoranda, correspondence, agenda, minutes of meetings, property records, and fiscal records. Testimonial evidence may be accepted as supportive data.

FISCAL MONITORING PROCEDURES

Criterion

I. The grant recipient's financial records agree with the approved project budget and the latest expenditure report on file with the DPI Comptroller.

Compliance Items

A. Compare, by line item and total, Column 4 of the Project Budget Summary Form (FA 399) with the district/agency accounting records.

    1. Note each discrepancy and determine whether the change required the submission of a Project Amendment Form (ESE 411) for prior approval.

    2. Note unresolved discrepancies and consult with the DPI Comptroller or the DPI Financial Management Section, if necessary, before describing findings of fact.

B. Compare, by line item and total, Column 5 of the latest Project Expenditure Report (FA 399), or an equivalent report for state programs, to the district/agency accounting records for the corresponding time period.

    1. Note each discrepancy and determine whether it was a clerical error.

    2. Note unresolved discrepancies and consult with the DPI Comptroller or the Financial Management section, if necessary, describing findings of fact.

Criterion

II. Project expenditures are in compliance with applicable statutes, rules, and regulations.

Compliance Steps

Monitor project expenditure by:

Reviewing selected invoices and purchase orders to determine that project funds were not expended: (a) prior to the effective approval date of the project, (b) for equipment which is not utilized primarily for handicapped children, or (c) to reimburse travel expenses for unauthorized persons.

Criterion

III. Project expenditures are consistent with approved project objectives and workscope.

Compliance Steps

Trace the sampled expenditures (identified in II above) to project sites to verify use by appropriate groups for instruction, services or products approved in the project.

Note discrepancies for findings and consult with the DPI Comptroller or the DPI Financial Management section, if necessary, before describing findings of fact.

Number System

The attached workpapers for auditing contain only universal criteria. Universal criteria, designated by "U" preceding the number, are applicable to all projects and are found under the same number in each project's Auditor's Manual. Findings for the universal criteria will be consolidated and summarized for all projects being audited in the district by the team leader. Each project monitor will complete a universal criteria summary sheet for the projects being monitored and provide this to the team leader who will compile a total district summary of all projects.

Date: ____________________ Respondent: ____________________

Interviewer: ____________________ Title: ____________________

UNIVERSAL CRITERIA - PL 94-142 LEA

Evidence Sources

U.1 In the planning of each of its federally-funded EC projects, the district involved or made every effort to involve representatives of private schools, teachers, parents, agencies, and organizations. (76.301 (c) (5), 76.652)

____ Yes ____ No

____ (a) private schools
____ (b) teachers
____ (c) parents
____ (d) agencies
____ (e) organizations

Evidence Sources:

____ Minutes of meetings
____ Meeting agenda
____ Correspondence
____ Newspaper
____ Other (specify)

U.2 The school board approved the projects on the date indicated in the application. (See General Items Manual) (76.704)

____ Yes ____ No

Evidence Sources:

____ Minutes of school board meeting

U.3 The district's coordinated inservice plan provides for project personnel to participate in district-funded inservice activities and reports any project sponsored inservice as part of the CSPD.

____ Yes ____ No

Evidence Sources:

____ Master inservice plan
____ Record of inservice activities
____ Agenda
____ Sign-in sheets
____ Notices, brochures
____ Correspondence
____ Other (specify)

____
____
____

Evidence Sources

U.4 Personnel development procedures, including training and dissemination, are being carried out in accordance with applicable regulations and the approved project application (34 CFR 300.224, 300.300 - 300.387)

_____ Procedures
_____ Correspondence
_____ Minutes
_____ Interviews

_____ Yes ___ No

U.5 The district has established procedures for managing equipment purchased with project funds and such procedures meet the requirements of applicable rules and regulations. (74.139, 140; 274.02; 10.400)

_____ Property records
_____ Written procedures
_____ Inventory records
_____ Other (specify)

_____ Yes ___ No

U.6 One or more of the following types of coordination, as applicable, took place during project planning and will continue during the project period. (75.580-581)

_____ Correspondence
_____ Minutes of meetings
_____ Other (specify)

_____ Yes _____ No

(Check each type of coordination used.)

_____(a) Planning the project with organizations and individuals who have similar objectives or concerns.

_____(b) Sharing information, facilities, staff, services or other resources.

_____(c) Engaging in joint activities such as instruction, needs assessment, evaluation, monitoring, technical assistance or staff training.

_____(d) Using the funds in such a manner that the effects of funds used under programs are neither duplicated nor counteracted.

_____(e) Using the funds to increase the impact of funds made available under other programs.

		Evidence Sources
U.7	Project activities are being implemented as described in the approved project in accordance with an established timeline. (76.700) _____ Yes ___ No	_____ Job descriptions _____ Schedules _____ Vouchers _____ Correspondence _____ Logs _____ Other (specify)

Activity	Method used to verify implementation

U.8	District personnel monitor project activities to ensure that adequate progress is being made toward achieving the goals of the project. (74.81) _____ Yes ____ No	_____ Job description _____ Logs _____ Schedules _____ Other (specify)

Probes:

- Who is monitoring the activities?
- How are activities being monitored?

Evidence Sources

U.9 Expenditures for travel are appropriate to project objectives (76.700)

_____ Vouchers
_____ Travel itinerary
_____ Other (specify)

_____ Yes ___ No

Travel Described	Number Checked	Evidence of Travel

(If additional space is needed, use reverse side.)

U.10 The district has submitted amendments, as necessary, according to:

_____ Personnel records
_____ Payroll records
_____ Logs
_____ Other (specify)

(a)	**Objectives or workscope**	__Yes	__No	__N/A
(b)	**Type of target group to be served**	__Yes	__No	__N/A
(c)	**Selection criteria**	__Yes	__No	__N/A
(d)	**Project evaluation scope**	__Yes	__No	__N/A
(e)	**Addition of any personnel position not described in the project application**	__Yes	__No	__N/A

Evidence Sources

U.11 Project funds, including contracted services, budgeted as a direct cost to the project have been used to compensate personnel only for the time and effort actually devoted to the achievement of project activities. (Appendix C, Part I, E.2.a, Part II, B.10.b.)

____ Personnel
____ Payroll records
____ Contracts
____ Logs
____ Other (specify)

____ Yes ____ No

Position	Number Checked	Explanation of Finding

(If additional space is needed, use reverse side.)

U.12 Project funds, have been budgeted and expended in keeping with requirements of state statutes, and state and federal rules and regulations. (76.700)

____ Travel Vouchers
____ Contracts
____ Indirect cost plan
____ Other (specify)

____ Yes ____ No

Evidence Sources

U.13 Contractual agreements between the district and other parties are drawn in accordance with applicable rules and regulations and the services under such contracts are those described in the approved project. (74.166, 76.700)

_____ Yes ____ No _____ N/A

_____ Contracts
_____ Correspondence
_____ Observation
_____ Schedules
_____ Vouchers
_____ Payroll records
_____ Other (specify)

U.14 Equipment purchased with project funds is being used in keeping with applicable rules and regulations. (74.137)

_____ Yes ____ No ____ N/A

_____ Property records
_____ Minutes of meetings
_____ Correspondence
_____ Observation
_____ Other (specify)

Type of Equipment	Listed in Inventory Y	Listed in Inventory N	Where Located	Used Appropriately Y	Used Appropriately N	Comments

(If additional space is needed, use reverse side.)

U.15 There is evidence to indicate that programs or activities under this project are accessible to handicapped students. (84.21-23)

_____ Yes ____ No ____ N/A

_____ Construction specifications
_____ Observation
_____ Other (specify)

	Evidence Sources
U.16 **Private school exceptional students receive benefits that are comparable in quality, scope and opportunity to the benefits provided to public school students. (76.654)**	**_____ Correspondence** **_____ Student records** **_____ List of dually enrolled students** **_____ Other (specify)**
_____ Yes ____ No ____ N/A	
U.17 **Dual enrollment of private school students in public school programs is being implemented in accordance with applicable rules and regulations. (300.348).**	**_____ IEP** **_____ List of students** **_____ Bus schedules** **_____ Correspondence** **_____ Other (specify)**
_____ Yes ____ No ____ N/A	

Probes:

- **Was a representative of the private school involved in the development of the IEP?**
- **If no, did the district use other methods to ensure participation by the private school?**
- **Is transportation arranged for students from private school to public school and return?**

U.18 **Real property, purchased with project funds is being used for the purposes for which it was acquired or, if no longer needed for such purpose, is being used for other authorized purposes by written consent from the Department of Public Instruction or disposed of in keeping with the Department's instructions. (74.132-74.134)**	**_____ Purchase orders** **_____ Contracts** **_____ Property records** **_____ Original project application** **_____ Correspondence** **_____ Other (specify)**
_____ Yes ____ No ____ N/A	
U.19 **Evaluation activities are being carried out as described in the approved project application.**	**_____ Evaluation plan** **_____ Evaluation report** **_____ Action plans** **_____ Other (specify)**
_____ Yes ____ No ____N/A	

PROJECT SPECIFIC CRITERIA - ECIA
CHAPTER I-HANDICAPPED, LEA

		Evidence Sources
P.1	A needs assessment was conducted prior to submission of the project application to the Department of Public Instruction. (116b.21(b)(6),116b.30) ________ Yes ________ No	___ Survey ___ Minutes ___ EC advisory committee reports ___ Other (specify)
P.2	Handicapped children included in the ECIA, Chapter I-Handicapped, LEA October count were excluded from the PL 94-142 December count. (See method statements.) (116b.46; 300.754(a)(c); 116b.41) ________ Yes ________ No	___ Comparison of October and December child counts ___ School level count forms ___ Other (specify)
P.3	Parents of children being served have received educational services and training to the extent that parental understanding of the services provided to their children could contribute to the effectiveness of the project. (116b.21(b), 11, 116a.30) ________ Yes ________ No	___ Agenda/Minutes ___ Sign-in sheets ___ Parent Evaluation forms ___ Other (specify)
P.4	Project information is being disseminated to teachers, administrators and parents as described in the approved project. (116b.21(14), 116b.30) ________ Yes ________ No	___ Correspondence ___ Minutes ___ Other (specify)

Evidence Sources

P.5 Each handicapped child has been provided an educational program designed to meet the child's special educational needs. (116b.30(a))

_______ Yes _______ No

Probes:

- Does a current IEP which has been reviewed and revised within the last twelve months exist for students?
- Are the required participants for IEP meetings recorded on the IEP as having met?
- Project services are specified in the IEP?

___ IEP
___ Other (specify)

P.6 The school staff who are serving the children are receiving training as described in the approved project. (116b.21(b)(8), 116b.30)

_______ Yes _______ No _______ N/A

___ Records
___ Schedules
___ Agenda/Minutes
___ Other (specify)

COMPREHENSIVE COMPLIANCE MONITORING SYSTEM

CCMS

MONITORING CRITERIA/SOURCES OF EVIDENCE

Delaware Department of Public Instruction

Exceptional Child/Special Programs Division

November, 1987

DELAWARE CCMS

MONITORING CRITERIA/SOURCES OF EVIDENCE

PURPOSE: The purpose of this document is to assist monitors in easily identifying the primary sources of evidence that may be used to determine that a district or agency complies with state and federal standards, as prescribed by the Administrative Manual, March 1987. The document has been organized by breaking the narrative of the Administrative Manual into single requirements or criterion statements which can be verified and serve as statements of deficiencies in the CCMS Report.

The sources of evidence listed are examples of how a district or agency may demonstrate compliance. The sources of evidence cited are not the only acceptable sources of evidence unless a source is required by the Administrative Manual or some other state requirement. For example, the written IEP is often a source of evidence that is required by the Administrative Manual. In those instances where the Administrative Manual clearly requires a specific source of the evidence the source is marked with an asterisk (*).

USE: Monitors should first determine that any required source of evidence is present. Then the monitor may use the other primary sources of evidence when attempting to verify a district's or agency's compliance. Additional sources of evidence provided by the district or agency may also be reviewed to determine if they demonstrate the district's/agency's compliance.

MAKING COMPLIANCE JUDGMENTS: After reviewing the evidence provided by the district/agency, the monitor must determine that the evidence is of sufficient quality and quantity and make a compliance decision relative to the assigned area of responsibility. These decisions will be shared with the entire monitoring team to make sure that the evidence collected by other monitors either support or refutes the evidence collected by an individual monitor. All written monitoring reports and correspondence will be based upon the combined judgments of the monitoring team. In unusual and complex cases, a monitoring team may determine that additional requests for evidence must occur prior to issuing a preliminary report to a district/agency.

CITING SOURCES IN REPORTS: Written monitoring reports must include examples of the sources of evidence used in determining that a district/agency is not complying with the requirements. This establishes the evidence base in the unlikely event that the monitoring report becomes the issue of a hearing. Citing the sources of evidence also provides the district/agency a fair opportunity to provide additional evidence that may not have been produced prior to the preliminary report.

DELAWARE CCMS
MONITORING CRITERIA/SOURCES OF EVIDENCE

IDENTIFICATION AND REPORTING - B. 1. Adm. Manual, p. 2

1. The district/agency identifies, locates, evaluates, and reevaluates handicapped children residing within the confines of the district/agency.

Documentation	Verbal Report	Observation
Approved Operation Plan section	Special Education Adm.	
Child Find brochures, articles, handbooks	Child Find Personnel	
Child Find case management logs	Student Evaluation Personnel	
Case files for child find clients		
Summary reports of child find activities		
Individual students records		

*Documentation of some type is required

2. The district agency maintains information which describes the time and method of the evaluation/reevaluation of each handicapped child.

Documentation	Verbal Report	Observation
Approved Operational Plan section	Special Education Adm. Student Evaluation Personnel	
Project Application Assurance Statement		
Logs of evaluation and reevaluation procedures	Child Find personnel	
Reports of numbers and types of students evaluated		

3. The district/agency maintains information which describes any training, education, and related services provided to a handicapped person and the location in which such training, education and related services is provided.

Documentation	Verbal Report	Observation
District/agency data report		

4. The district/agency maintains information which describes any instance in which a handicapped person is not receiving training, education, or related services and the reason for that situation.

Documentation	Verbal Report	Observation
Approved Operational Plan section Case management logs Individual case files	Special Education Adm. Student Evaluation Personnel Child Find Personnel	

*Documentation of some type is required

SCREENING

1. The district/agency has adopted screening procedures designed to locate preschool and school aged students who may need special education and related services.

Documentation	Verbal Report	Observation
Approved Operational Plan Project Assurance Statement Announcement form or letter Screening guides		

2. The district agency has implemented screening procedures designed to locate preschool and school aged students who may need special education and related services.

Documentation	Verbal Report	Observation
Approved Operational Plan Section Child Find brochures, articles, handbooks Child Find case management logs Case files for child find clients Summary reports of child find activities Screening records Individual students records	Special Education Adm. Child Find Personnel Student Evaluation Personnel School Nurse	

3. The district/agency conducts hearing screening, as specified in The School Nurse Guide.

Documentation	Verbal Report	Observation
School Nurse Records Individual Student records	School Nurse	

4. The district/agency conducts vision screening, as specified in The School Nurse Guide.

Documentation	Verbal Report	Observation
School Nurse Records Individual Student records	School Nurse	

5. The district/agency conducts health screening, as specified in The School Nurse Guide.

Documentation	Verbal Report	Observation
School Nurse records Individual student records	School Nurse	

6. The district/agency conducts orthopedic screening, as specified in The School Nurse Guide.

Documentation	Verbal Report	Observation
School Nurse records Individual student records	School Nurse	

PREREFERRAL/ENROLLED STUDENTS

1. The district has documented evidence that prereferral interventions are implemented by the referral agent with the assistance of other educational personnel, as designated by the building principal.

Documentation	Verbal Report	Observation
Approved Operational Plan section	Building principal	
Prereferral Intervention form Case management logs Individual student records	Designated personnel	

*documentation of some type is required

2. When a student is referred by the parents, prereferral intervention procedures are implemented.

Documentation	Verbal Report	Observation
Approved Operational Plan section	Building principal	
Prereferral Intervention form	Designated personnel	
Case management logs		
Individual student records		

3. The district's prereferral intervention documentation contains each of the following components:

   a. results of records review which may include school health records, vision and hearing screenings, and attendance records;

   b. results of conference(s) with the parent(s) or guardian, administrative and teaching personnel, and other ancillary personnel if needed;

   c. supportive anecdotal records from the referral agent which identify the student's learning or behavioral problem(s);

   d. results of at least two observations conducted by educational personnel, in at least two different settings; and

   e. documentation of the results of a minimum of two (2) interventions, techniques or educational alternatives which have been employed over a predetermined period of time. Interventions may include a change of staff, program schedule, ancillary interventions, or other agency intervention.

Documentation	Verbal Report	Observation
Approved Operational Plan section		
*Prereferral Intervention form or other documentation of records review, conference(s), anecdotal, observations, and interventions.		
Individual student records		

4. The following children are exempted from prereferral intervention procedures and may be referred for individual student evaluation without documentation of prereferral interventions.

   a. infants and preschool age children.

   b. children whose behaviors endanger themselves or others.

c. children suspected of being autistic, trainable or severely mentally handicapped, deaf, blind or deaf/blind.

d. orthopedically handicapped.

e. trauma induced brain or spinal cord injury.

Documentation	Verbal Report	Observation
Individual student records Case Management Logs	Special Education Adm. Student Evaluation Personnel	

5. If the student's learning problems are not alleviated by the pre-referral interventions, a referral is made requesting an individual student evaluation.

Documentation	Verbal Report	Observation
Case management records Individual student records Written referral	Designated personnel	

REFERRAL

1. The district has adopted procedures for the referral of students who are being considered for special education.

Documentation	Verbal Report	Observation
Approved Operational Plan section		

2. All referrals are in writing.

Documentation	Verbal Report	Observation
Referral form *Written referrals Individual student records	Referral agents	

3. Each referral is reviewed and a determination is made and documented stating the disposition of the referral.

Documentation	Verbal Report	Observation
Case management records *Written note of disposition	Special Education Adm. Student Evaluation Staff	

4. Referral which do not contain all required pre-referral intervention documentation are returned to the referral agent with a request for the required information.

Documentation	Verbal Report	Observation
Case management records	Special Education Adm. Student Evaluation Staff	

5. If a determination is made that additional interventions are warranted, agreement of the referral agent is sought and with such agreement the additional interventions are implemented.

Documentation	Verbal Report	Observation
Case management records Notation of agreement of referral agent	Special Education Adm. Student Evaluation Staff	

6. The district does not delay the provision of an individual student evaluation when the prereferral data are complete and the referral agent maintains that the student is in need of the evaluation.

Documentation	Verbal Report	Observation
Case management records	Special Education Adm. Student Evaluation Staff	

WRITTEN NOTICE

1. The district gives written notice which meets the requirements under 34 CFR 300.505 to the parents of a handicapped child no more than 10 days after the district:

   a. proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child, or

   b. refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child. 34 CFR 300.504(a).

CONTENT

Documentation	Verbal Report	Observation
*Notice form or letter Individual student records		

**Use CCMS Forms Checklist to determine compliance of content

CONSENT - PREPLACEMENT EVALUATION - C. Adm. Manual, p.6

1. The district/agency obtains informed parent consent prior to conducting a preplacement evaluation.

Documentation	Verbal Report	Observation
Approved Operational Plan Section Project Assurance Statement Consent form or letter *Individual student record of consent		

INDIVIDUAL STUDENT EVALUATION

1. Individual student evaluation procedures are determined by nature and severity of the student's handicap.

Documentation	Verbal Report	Observation
Approved Operational Plan Individual student records	Student Evaluation Staff	

2. No student has been placed solely on the basis of a single assessment.

Documentation	Verbal Report	Observation
Individual student records		

3. No student has been placed on the basis of evaluation material which was not properly validated.

Documentation	Verbal Report	Observation
Student evaluation records	Student Evaluation Staff	

4. The district/agency uses tests and other evaluation materials which include those which are tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

Documentation	Verbal Report	Observation
Student evaluation records	Student Evaluation Staff	

5. The district selects evaluation material on the basis of the nature and severity of the student's handicap.

Documentation	Verbal Report	Observation
Operational Plan	Special Education Adm. Student Evaluation Staff	

6. Evaluation materials are administered in accordance with standardized procedures.

Documentation	Verbal Report	Observation
Student evaluation records	Student Evaluation Staff	

7. Evaluation materials are administered by qualified evaluation specialists. Each evaluation specialist has met State approval or recognized certification, licensing, registration, or other comparable requirements which apply to the area in which he or she is providing student evaluation services.

Documentation	Verbal Report	Observation
*Student Evaluation Staff credentials	Student Evaluation Staff	

MULTIDISCIPLINARY TEAM (MDT)

1. The evaluation of a student is conducted by a multidisciplinary team (MDT) of evaluation specialists including at least one certified teacher or other specialist with knowledge in the area of suspected disability.

Documentation	Verbal Report	Observation
MDT Reports listing staff and positions	Staff who serve on MDT	

2. The MDT includes the student's teacher, or if the student does not have a teacher, a regular classroom teacher qualified to teach a student of his or her age.

Documentation	**Verbal Report**	**Observation**
MDT Reports listing staff and positions	Staff who serve on MDT	

3. For a child of less than school age, an individual qualified by the SEA to teach a child of his or her age is included on the evaluation team.

Documentation	**Verbal Report**	**Observation**
MDT Reports listing staff and positions	Staff who serve on MDT	

4. The MDT includes one person qualified to conduct the appropriate individual diagnostic examinations of the student, such as a:

    a. school psychologist

    b. speech therapist

    c. remedial reading teacher

Documentation	**Verbal Report**	**Observation**
MDT Reports listing staff and positions	Staff who serve on MDT	

INITIAL EVALUATION

1. Before the district takes any action with respect to the initial placement of a handicapped student in a special education program, a full and individual evaluation of the student's educational needs is conducted.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan Project Assurance statements Records of MDT meetings Individual student records	MDT staff	

2. Each initial evaluation includes:

   a. an educational evaluation;

   b. an educational history, including a review of prereferral intervention documentation;

   c. information concerning physical condition;

   d. information concerning socio-cultural background;

   e. information concerning behavior in home and school; and

   f. specialist reports in accordance with section 2 of Subpart E of the Administrative Manual.

Documentation	**Verbal Report**	**Observation**
*Individual student evaluation reports	Student Evaluation Staff	
Student evaluation management logs		

3. The student is assessed in all areas related to the suspected disability, including where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

Documentation	**Verbal Report**	**Observation**
*Individual student evaluation reports	Student Evaluation Staff	
Student evaluation management logs		

4. Sufficient time is allowed for the completion of the full range of assessments which are indicated.

Documentation	**Verbal Report**	**Observation**
Individual student evaluation reports	Student Evaluation Staff	
Student evaluation management logs		

5. Evaluations are conducted in such a manner as to preclude the undue delay in implementation of services for eligible students.

Documentation	**Verbal Report**	**Observation**
Individual student evaluation reports, dated	Student Evaluation Staff	
Student evaluation management logs with dates		

6. Students suspected of having a learning disability are observed by at least one MDT member, other than the student's teacher, to assess the student's academic performance in the regular classroom setting.

Documentation	**Verbal Report**	**Observation**
SLD Observation report	Designated staff	

7. The MDT team prepares a written report of the results of the results of the evaluation.

Documentation	**Verbal Report**	**Observation**
*MDT reports for students suspected of being learning disabled.		

8. Each written evaluation report includes:

   a. whether the student has a specific learning disability and the nature of that disability;

   b. the basis for making the determination;

   c. the relevant behavior noted during the observation of the student;

   d. the relationship of that behavior to the student's academic functioning;

   e. the educationally relevant medical findings, if any;

   f. the severity of the discrepancy between achievement and ability which is not correctable without special educational and related services; and

   g. the determination of the MDT concerning the effects of environmental, cultural, or economic disadvantage.

Documentation	**Verbal Report**	**Observation**
*MDT Reports	MDT staff	

9. Each MDT member certifies in writing whether the report reflects his or her conclusion.

Documentation	**Verbal Report**	**Observation**
MDT Reports *Written statements		

10. If the report does not reflect a team member's conclusions, the team member has submitted a separate statement presenting his or her conclusions.

Documentation	Verbal Report	Observation
MDT member statement	MDT staff	

BIAS-FREE TESTS AND PROCEDURES

1. The district has adopted and implemented procedures to ensure that testing and evaluation materials and procedures are selected and administered so as not to be racially or culturally biased.

Documentation	Verbal Report	Observation
Operational Plan	Special Education Adm. Student Evaluation Staff	

2. Tests and other evaluation materials are provided and administered in the student's native language, or other mode of communication, unless it is clearly not feasible to do so.

Documentation	Verbal Report	Observation
Operational Plan	Special Education Adm. Student Evaluation Staff	

3. No student has been assigned to a special education program on the basis of findings dependent solely upon the command of the English language.

Documentation	Verbal Report	Observation
Individual student records	Student Evaluation Staff	

4. The district has adopted and implemented procedures to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude, achievement level or other factors the test purports to measure and that the test results do not reflect the student's impaired sensory, manual, or speaking skills, except where those skills are the factors which the test purports to measure.

Documentation	Verbal Report	Observation
Operational Plan	Student Evaluation Staff	

5. Procedures for interpretation of evaluation data ensure that eligibility decisions are made on the basis of evaluation data which are no more than two (2) years old.

Documentation	Verbal Report	Observation
MDT reports	Student Evaluation Staff	
*Student evaluation reports, dated		
Individual student records		

6. Procedures for interpretation of evaluation data ensure that information from a variety of sources is used including aptitude and achievement test, teacher recommendations, physical condition, social or cultural background, and adaptive behavior assessments.

Documentation	Verbal Report	Observation
MDT reports	MDT reports	
Individual student records	Student Evaluation Staff	

7. Procedures for interpretation of evaluation data ensure that information obtained from all of the above sources is documented and carefully considered.

Documentation	Verbal Report	Observation
Operational Plan	Student Evaluation Staff	
MDT Reports	MDT Staff	

REEVALUATION

1. The district/agency conducts a reevaluation of the student at least every three (3) years following the initial placement or sooner if conditions warrant or if requested by the student's parent or teacher.

Documentation	Verbal Report	Observation
Individual student records		
*Student evaluation reports, dated		
Case management records		
Records of requests from teachers or parents		

2. Reevaluations conducted by the school district/agency comply with all of the requirements for initial evaluation procedures.

Documentation	Verbal Report	Observation
Reevaluation reports Individual student records	Student Evaluation Staff	

3. When reevaluating students who will be entering the 9th grade within one year or who will be reaching the age of 14 years within one year, which ever occurs first, the district provides information which is useful in career guidance. The content of the information is determined by the MDT team and guidance personnel.

Documentation	Verbal Report	Observation
Record of career guidance information provided	Staff who serve on MDTs Guidance personnel	

4. All students who entered 9th grade within the last year or who turned 14 years of age within the last year have received career guidance information.

Documentation	Verbal Report	Observation
Record of career guidance information provided	Staff who serve on MDTs Guidance personnel	

5. If the district is receiving federal vocational education funds:

   a. the MDT, in consultation with the guidance personnel, determines whether the student is likely to pursue a vocational or an academic career.

   b. students who have been deemed as unlikely to pursue an academic career are provided a vocational evaluation during the 9th grade or their 15th year of age, which ever occurs first.

   c. the vocational evaluation includes vocational exploratory activities, as well as standard assessment procedures and instruments.

Documentation	Verbal Report	Observation
Record of decision on future pursuits Vocational test protocols Vocational evaluation report	Staff who serve on MDTs Guidance personnel	

6. A written report is completed including information on the student's aptitudes, interests, special skills and abilities.

Documentation	**Verbal Report**	**Observation**
Record of decision re. future pursuits	Staff who serve on MDTs	
Vocational test protocols	Guidance personnel	
*Vocational evaluation report		

INDEPENDENT EDUCATIONAL EVALUATION

1. When requested, the district provides to parents information about where a public or private independent educational evaluation may be obtained.

Documentation	**Verbal Report**	**Observation**
Examples of parent requests for ind. evaluation	Special Education Adm.	
Examples of information provided to parents	District level student evaluation staff	

2. Independent educational evaluations obtained by parents are considered by the district when making any decision about providing a free, appropriate public education to the child.

Documentation	**Verbal Report**	**Observation**
IEPs	Special Education Adm.	
Reports of independent evaluations		
Individual student records		

3. If the parent disagrees with an evaluation obtained by the district, the parent may obtain an independent evaluation at public expense, unless the district initiates a due process hearing which is concluded by a decision that the district's evaluation of the child is appropriate.

Documentation	**Verbal Report**	**Observation**
Examples of parent requests for ind. evaluation at public expense	Special Education Adm.	
Reports of independent evaluations		
Reports of due process hearings		
Records of payment for independent evaluations		

4. If the final decision of a due process hearing panel is that the evaluation of the child is appropriate, the parent may still obtain and have considered an independent evaluation, but not at public expense.

Documentation	Verbal Report	Observation
Examples of evaluations obtain at other than public expense	Special Education Adm.	

5. Independent educational evaluations are conducted by qualified evaluation specialists who are not employed by the district.

Documentation	Verbal Report	Observation
Independent evaluation reports List of independent evaluators with credentials noted	Special Education Adm.	

6. Independent evaluations which are conducted at public expense meet the same criteria as those initiated by the district, including the qualifications of the examiner and the location of the evaluation.

Documentation	Verbal Report	Observation
Records of review of independent evaluations	Special Education Adm.	

INDIVIDUALIZED EDUCATIONAL PROGRAMS - D. Adm. Manual, p.11

1. Each handicapped child receiving special education and related services has in effect a current IEP for the school year and program placement(s).

Documentation	Verbal Report	Observation
*Student's IEP for current year Student's initial IEP		

2. The student's IEP was developed prior to assignment and within 30 days following the determination that the student was eligible for special education and related services.

Documentation	Verbal Report	Observation
MDT Reports *Student's IEP for current year Student's initial IEP		

3. Each handicapped student has a single IEP which includes written statements of:

   a. the student's present level of educational performance;

   b. annual goals, including short term instructional objectives;

   c. specific special education and related services to be provided to the student, including physical education and vocational education, which are specially designed to meet the unique needs of the handicapped student;

   d. the extent to which the student will be able to participate in regular education programs;

   e. the projected dates for initiation of services and the anticipated duration of the services;

   f. appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved, 34 CFR 300.346;

   g. whether or not it is necessary to place the student who is transported from school by bus into the charge of a parent or other authorized responsible person. (Supplement to: School Bus Driver's Handbook, p. 39, Section 6, Paragraph III F, December 19, 1983);

   h. documentation of consideration of Least Restrictive Environment (LRE) requirements;

   i. where applicable, a vocational/transitional component as specified in Section 8 of this Subpart and Section 20 of Subpart F; and

   j. disciplinary procedures or limitations, as appropriate.

Documentation	**Verbal Report**	**Observation**
*Student's IEP for current year Student's previous IEPs		

4. The school district initiates and conducts meetings for the purpose of:

   a. developing IEPs

   b. reviewing and revising IEPs

Documentation	**Verbal Report**	**Observation**
Student's current IEP or other written doc. Students previous IEPs	IEP Team Members Evaluation Team Members	

5. Each IEP meeting includes each of the following participants:

   a. a representative of the school district, other than the student's teacher, who is qualified to provide or supervise the provision of special education;

   b. the student's current teacher;

   c. one or both of the student's parents or guardians;

   d. the student, when appropriate;

   e. other individuals at the discretion of the parent or the school district or other public agency; and

   f. for the handicapped student who has been evaluated for the first time, the school district or other public agency shall ensure that:

      (1) a member of the evaluation team participates in the meeting; or

      (2) a representative of the district, the student's regular classroom teacher, or some other person who is knowledgeable about the evaluation procedures used with the student and is familiar with the results of the evaluation, is present at the meeting.

Documentation	Verbal Report	Observation
*Student's current IEP or other written doc. Students previous IEPs	IEP Team Members Evaluation Team Members	

6. The district initiates and conducts a meeting to review at least once per year each handicapped student's IEP.

Documentation	Verbal Report	Observation
*Student's current IEP or other written doc. Students previous IEPs	IEP Team Members Evaluation Team Members	

7. The district notifies parents of IEP meetings no less than 10 working days prior to the meeting, unless mutually agreed otherwise, to ensure that they have the opportunity to attend.

Documentation	Verbal Report	Observation
*Dated notice to parents Notes on scheduling	Staff responsible for IEP meeting notices	

8. The district schedules IEP meetings at a mutually agreed upon time and place.

Documentation	**Verbal Report**	**Observation**
Dated notice to parents Notes on scheduling	Staff responsible for IEP meeting notices	

9. A written notice to parents indicates the purpose, time, and location of the meeting and who will be in attendance.

Documentation	**Verbal Report**	**Observation**
Dated notice to parents which includes purpose, time, location	Staff responsible for IEP meeting notices	

10. If neither parent is able to attend, the district uses other methods to ensure parent participation. Such methods include:

    a. individual telephone calls

    b. conference telephone calls

Documentation	**Verbal Report**	**Observation**
Records of use of alternative methods Records of attempts to involve-telephone logs, correspondence, visitation reports	Staff responsible for arranging IEP meetings	

11. The district maintains a record of its attempts to arrange a mutually agreed on time and place. Such records include:

    a. detailed record of telephone calls made or attempted and the results of those calls.

    b. copies of correspondence sent to the parents and any responses received.

    c. detailed records of visits made to the parents' home or place of employment and the results of those visits.

Documentation	**Verbal Report**	**Observation**
Records of use of alternative methods Records of attempts to involve-telephone logs, correspondence, visitation reports *a record of some type is required.	Staff responsible for arranging IEP meetings	

12. If the parents can not be located or are otherwise unavailable, a surrogate parent has been appointed.

Documentation	**Verbal Report**	**Observation**
Record of surrogate parent activities Surrogate signature on IEP form	Staff who serve on IEP teams	

13. The district takes necessary steps to ensure that the parent understands the proceedings at the meetings. Such arrangements include:

    a. an interpreter for parents who are deaf.

    b. an interpreter for parents whose native language is other than English.

Documentation	**Verbal Report**	**Observation**
Record of use on interpreters Notation on IEP	Staff who serve on IEP Team	

14. When requested by the parent, the school district gives the parent a copy of the student's IEP.

Documentation	**Verbal Report**	**Observation**
Form provides parent copy Notation of provision of copy to parent		

15. The district/agency provides and documents in the IEP that program planning information was made available to all handicapped students and their parents within the year before the student enters the 9th grade. Such information shall be the same program planning information as is given to non-handicapped students and their parents. Such information includes at least the following:

    a. diploma requirements

        (1) credit distribution;
        (2) fulfillment of the 17 Minimal Performance Requirements; and
        (3) attendance.

    b. option to work toward a Record of Performance.

    c. option to continue free public schooling through age 20 inclusive, or until completing high school, whichever comes first.

d. information and opportunities available in career education, with emphasis on the post-secondary level or

e. vocational education, with emphasis on the post-secondary level.

Documentation	**Verbal Report**	**Observation**
*IEPs of students in 9th grade or higher Copy of information provided	IEP Team Members	

16. Each district/agency providing special education, related services, and/or vocational educational programs insures that long-range planning occurs for each handicapped student. The IEP developed or revised within the year prior to the student entering the 9th grade shall include a plan for the student which meet the following conditions:

a. provisions for modified learning activities in areas associated with the 17 Minimal Performance Requirements and in the required subjects for graduation.

b. arrangements for involvement with non-handicapped peers in the required and elective courses to an extent consistent with the LRE principle.

c. where applicable, the vocational education programs to be provided including:

(1) adaptations of curricula,
(2) instructional equipment, and (3)facilities.

d. Staffing by guidance, counseling, and career development personnel who are associated with the provision of such special services.

e. counseling services designed to facilitate transition from school to post-school employment and career opportunities.

Documentation	**Verbal Report**	**Observation**
*Student IEP developed or revised within the year prior to the student entering 9th grade or long-range plan containing all above requirements	IEP Team Members	

17. Each IEP developed or revised under this section indicates:

a. the extent to which the student will accumulate sufficient credits for graduation.

b. the extent to which the student will meet the State's 17 Minimal Performance Requirements for graduation.

c. whether or not the plan will lead to a diploma, and if not, what skills and or competencies are anticipated to be reflected by a Record of Performance.

Documentation	**Verbal Report**	**Observation**
*IEPs of students in 9th grade or higher	IEP Team Members	

18. Participants in development or revision of such IEPs include representatives of:

    a. vocational education;

    b. vocational rehabilitation;

    c. special education;

    d. regular education;

    e. counseling; and

    f. other human service agencies, as appropriate.

Documentation	**Verbal Report**	**Observation**
IEPs of students in 9th grade or higher	IEP Team Members	

19. An IEP developed or revised under this section shall contain the IEP team's decisions on all of subsection D.8. a., Adm. Manual, p.14.

Documentation	**Verbal Report**	**Observation**
Record of IEP team decisions IEP of students in 9th grade or higher	IEP Team Members	

20. An IEP developed under this section contains the signature of the parent or guardian indicating participation in the development of the plan, or the district/agency has documented that attempts were made to involve the parent or guardian where an IEP is unsigned.

Documentation	**Verbal Report**	**Observation**
IEPs of students in 9th grade or higher Record of attempts to involve parents	IEP Team Members	

MONITORING OF IEPS

1. The district/agency reviews the IEPs of handicapped students to determine that the content and procedures for development are in compliance with all applicable State and federal requirements.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan section District/agency level monitoring results/reports	Special Education Adm. Special Education Teachers IEP Team Members	

2. The district/agency maintains documentation of its efforts and the results obtained from monitoring of students' IEPs.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan section *District/agency level monitoring results/reports	Special Education Adm. Special Education Teachers	

IEPS OF STUDENTS IN PRIVATE OR PAROCHIAL PLACEMENTS

1. For students enrolled in a parochial or other private school and who receive special education or related services from a school district/agency, the district/agency:

   a. initiates and conducts meetings to develop, review and revise the student's IEP in accordance with all of the content and procedural requirements of this subsection.

   b. ensures that a representative of the parochial or other private school attends each meeting.

   c. uses other methods to ensure participation including individual or conference telephone calls, if the representative cannot attend.

Documentation	**Verbal Report**	**Observation**
Reports of IEP meetings Student's IEP Records of use of alternative methods: individual calls conference calls	Special Education Adm. Staff who serve on IEP teams	

2. Before the district/agency places a handicapped student in or refers a student to a private school or facility, the district/agency:

   a. initiates and conducts a meeting to develop an IEP for the student in accordance with the provisions of this Subsection.

   b. ensures that a representative of the private school facility attends the meeting.

   c. uses other methods to ensure participation by the private school or facility including individual or conference telephone calls.

   d. develops an IEP for each handicapped student placed in a private school or facility by the public agency prior to the effective date of these regulations.

Documentation	**Verbal Report**	**Observation**
Reports of IEP meetings	Special Education Adm.	
Student's IEP		
Records of use of alternative methods		

3. After a handicapped student enters a private school or facility, any meetings to review and revise the student's IEP are initiated by the private school or facility, at the discretion of the district/agency.

Documentation	**Verbal Report**	**Observation**
Reports of IEP meetings	Special Education Adm.	
Student's IEP		
Correspondence		

4. If the private school or facility initiates and conducts these meetings, the district/agency ensures that the parents and an agency representative:

   a. are involved in any decision about the student's IEP.

   b. agree to any proposed changes in the program before those changes are implemented.

Documentation	**Verbal Report**	**Observation**
Reports of IEP meetings	Special Education Adm.	
Student's IEP		
Records of use of alternative methods:		
individual calls		
conference calls		
*Parent consent		

5. When a private school or facility implements a student's IEP, responsibility for compliance with this part remains with the district/agency responsible for the education of the handicapped student and the Department of Public Instruction.

Documentation	**Verbal Report**	**Observation**
Correspondence with private schools Reports of visits to private schools	Special Education Adm.	

IEP OF TRANSFERRING STUDENT

1. Handicapped students who transfer from one school district or other public agency are temporarily placed in an educational environment setting which:

   a. appears to be most suited to the student's needs.

   b. is based on a decision mutually agreed upon by the parents and representative of the receiving district/agency.

Documentation	**Verbal Report**	**Observation**
Temporary placement records *Signed agreement of parent and district/agency	Staff responsible for temporary placement	

2. The procedures for requesting and forwarding the records of a handicapped student are in accordance with the procedures enumerated in the Procedures for the Collection, Maintenance, and Disclosure of Student Data in the Handbook for Delaware Schools, K-8, and in Handbook for Secondary Schools.

Documentation	**Verbal Report**	**Observation**
Request for records form or letter Notation of telephone requests or follow-ups	Staff responsible for records request	

3. If the student's IEP from the sending school district or other public agency is used for temporary placement in a special education setting, documentation of the placement is signed by the parent and the receiving principal on a temporary placement form or on the cover page of the IEP.

Documentation	**Verbal Report**	**Observation**
Enrollment date *Temporary placement form or IEP *Signatures of parent and receiving principal	Receiving Principal	

4. A review of the adequacy of placement in a special education setting is instituted and completed within 30 calendar days from the date of initial attendance of the child in the receiving agency.

Documentation	**Verbal Report**	**Observation**
Student's IEP from previous district or agency Dated report of meeting to review Dated notation on IEP of accept or revise		

5. All requirements concerning student evaluation, IEP development, placement, and procedural safeguards are applied in determining the need for providing special education and related services for transferring students.

Documentation	**Verbal Report**	**Observation**
Dated notation on IEP of accept or revise Dated new IEP Individual student records		

E. ELIGIBILITY - Adm. Manual, page 18

1. The district provides programs for handicapped persons within the age ranges established in Chapter 31 of Title 14, Delaware Code.

Documentation	Verbal Report	Observation
Approved Operational Plan statement Project assurance statement Data Reports September 30 Audit Report District/agency level management records		

2. The district provides programs for handicapped persons within other age ranges established in State and Federal legislation.

Documentation	Verbal Report	Observation
Approved Operational Plan statement Project assurance statement Data Reports September 30 Audit Report District/agency level management records		

3. Each student in a program for the handicapped has reached the minimum age on or before January 1 of the school year.

Documentation	Verbal Report	Observation
Approved Operational Plan statement Project assurance statement Data Reports September 30 Audit Report District/agency level management records		

4. Any student in a program for the handicapped who has reached the minimum age after January 1:

   a. has been recommended by a staff conference and approved by the district superintendent;

   b. is not counted for unit funding.

Documentation **Verbal Report** **Observation**

Approved Operational Plan
Amendment
Project assurance statement
Data Reports
September 30 Audit Report
District/agency level management
records

5. The district allows any special education student in a school program who attains the age of 21 after September 30 to continue their school placement until the end of the school year.

Documentation **Verbal Report** **Observation**

Approved Operational Plan
Amendment
Project assurance statement
Data Reports
September 30 Audit Report
District/agency level management
records

6. The district allows any student in a twelve month private placement who has not reached the age of 21 as of July 1 to continue placement until the end of the fiscal year.

Documentation **Verbal Report** **Observation**

Approved Operational Plan
Amendment
Project assurance statement
Data Reports
September 30 Audit Report
District/agency level management
records

7. The district counts for unit funding only students who are eligible according to 14 Delaware Code 3 and who have their eligibility certified by Individual Student Evaluation Reports by the qualified specialist(s) as noted for each eligibility.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan enrollment Project assurance statement Data Reports September 30 Audit Report District/agency level management records		

8. The district considers eligible for a visual impairment program, a student who cannot develop educational skills without special services or materials because:

a. the student is legally blind:

(1) has visual acuity of 20/200 or less in the better eye with best correction, or

(2) has a peripheral field so contracted that the widest diameter of such field subtends an angular distance no greater than 20 degrees, and

(3) the eligibility has been documented by an ophthalmologist or optometrist.

b. the student is partially sighted:

(1) has visual acuity between 20/70 and 20/200 in the better eye with best correction, or

(2) has a disease of the eye or body that seriously affects vision, and

(3) the eligibility has been documented by an ophthalmologist or optometrist.

Documentation	**Verbal Report**	**Observation**
Approved operational Plan sections Individual student diagnostic reports by qualified ophthalmologist or optometrist Student records		

9. The district considers eligible for a hearing impairment program, a student who exhibits an impairment within the auditory system which may interfere with or preclude the ability to consistently and appropriately interpret spoken language through audition because:

   a. the auditory impairment hinders educational progress in a regular educational program,

   b. admission is consistent with Section I.G. 7, and

   c. the eligibility has been documented by an audiologist.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan sections *Individual student diagnostic reports by qualified audiologist Student records		

10. The district considers eligible for a physical or other health impairment program, a student who exhibits a physical or health impairment to such an extent that it interferes significantly with learning and/or requires adaptation of the physical plant because the student has:

   a. an orthopedic handicap - crippling impairments resulting from interference with the normal functions of bones, joints, or muscles, or

   b. a neurological impairment - lack of complete development or injury to the central nervous system, and

   c. the eligibility has been documented by a physician.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan sections *Individual student diagnostic reports by a physician Student records		

11. The district considers eligible for a speech and/or language impairment program, a student who exhibits a disorder of oral communication in articulation, voice, rhythm, or verbal language to such a degree that it:

   a. interferes with self-expression,

   b. interferes with the ability to comprehend the student's speech, or

   c. causes the student to become maladjusted.

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Documentation	**Verbal Report**	**Observation**
Approved Operational Plan sections Student records		

12. The district requires, for a student whose speech or language impairment is the primary handicap, a speech/language therapist to:

    a. evaluate the speech impaired student using procedures appropriate for the diagnosis and appraisal of speech and language disorders, and

    b. make referrals for additional assessments needed to make an appropriate placement decision, where necessary.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan District/agency staff list *Speech/Language evaluation report by a qualified speech/language therapist	Off site and onsite contact with staff	

13. The district considers eligible for a learning disabilities program, a student who has exhibited a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language, when:

    a. the disorder results in an imperfect ability to:

    (1) listen,
    (2) think,
    (3) speak,
    (4) read,
    (5) write,
    (6) spell, or
    (7) do mathematical calculations.

    b. the disorder results from:

    (1) perceptual handicaps,
    (2) brain injury,
    (3) minimal brain dysfunction,
    (4) dyslexia, and
    (5) developmental aphasia.

    c. the eligibility has been documented by a psychologist.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan Project Assurance statements *Psychological Report by a qualified psychologist		

14. The district considers eligible for a learning disabilities program, a student who:

a. does not achieve commensurate with age and ability levels when provided with learning experiences that are age and ability appropriate in the areas of:

(1) oral expression
(2) listening comprehension
(3) written expression
(4) basic reading skill
(5) reading comprehension
(6) mathematics calculation
(7) mathematics reasoning

b. has a severe discrepancy between achievement and intellectual ability in one or more on the following areas:

(1) oral expression
(2) listening comprehension
(3) written expression
(4) basic reading skill
(5) reading comprehension
(6) mathematics calculation
(7) mathematics reasoning

c. the eligibility has been documented by a multidisciplinary team.

Documentation	Verbal Report	Observation
Approved Operational Plan sections Individual student diagnostic reports Student records *MDT Report		

15. The district does not interpret the term "learning disabled" to include students who have learning problems which are primarily the result of:

a. visual, hearing, or motor handicaps,

b. mental retardation,

c. autism,

d. emotional disturbance, or

e. environmental, cultural, or

f. economic disadvantages

Documentation	Verbal Report	Observation
Approved Operational Plan sections Individual student diagnostic reports Student records		

16. The district considers eligible for a social or emotional maladjustment program, a student who exhibits:

    a. behavior representative of conflict between self and environment:

       (1) repeatedly,
       (2) over time, and
       (3) to an extent and duration that it significantly affects the learning process.

    b. behaviors including:

       (1) acting out (unpredicted and unprovoked hitting, aggressive and disruptive behaviors)
       (2) withdrawal (absence of speech, depression, impulsive and obsessive behaviors)
       (3) defense (compulsive eating, manipulation, running away from home or school)
       (4) disorganization (out-of-touch with reality, self-abuse, lack of self control)

    c. the eligibility is documented by a psychologist or psychiatrist.

Documentation	Verbal Report	Observation
Approved Operational Plan Project Assurance statements *Individual Student Evaluation by a qualified psychologist or psychiatrist	Off site and onsite contact with staff	

17. The district considers eligible for a mental retardation program, a student who exhibits:

    a. significantly sub-average general intellectual functioning as assessed by an individual psychological evaluation,

    b. deficits in adaptive behavior as defined by the AAMD, and which were manifested in the developmental period

    c. the eligibility has been documented by a psychologist

Documentation	Verbal Report	Observation
Approved Operational Plan sections *Individual student evaluation by a qualified psychologist		

18. The district defines educable mentally handicapped students as those whose:

    a. intellectual functioning is between 75 and 50 I.Q. points inclusive, and

    b. maturation and development up to age 5 as certified by a psychologist.

Documentation	Verbal Report	Observation
Approved Operational Plan sections *Individual student evaluation report by a qualified psychologist Student records		

19. The district defines trainable mentally retarded students as those whose:

    a. intellectual functioning in between 55 and 35 I.Q. points, and

    b. maturation and development from 0 to age 5,

    c. speech is minimal,

    d. little or no communication skills, and

    e. generally unable to perform independently certified by a psychologist.

Documentation	Verbal Report	Observation
Approved Operational Plan sections *Individual student evaluation reports by a qualified psychologist Student records		

20. The district considers eligible for an autism program, a student who:

    a. has been diagnosed as autistic through use of individual psychological or psychiatric examination,

    b. exhibits some combination of:

        (1) inability to use language for appropriate communication
        (2) inability to relate appropriately to other individuals
        (3) continued impairment in social interaction from infancy or early childhood

(4) obsession to maintain sameness
(5) preoccupation with objects and/or inappropriate use of objects
(6) extreme resistance to controls
(7) exhibition of peculiar motoric mannerisms and motility patterns.

c. the eligibility has been documented by a psychologist or psychiatrist.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan sections *Individual student evaluation reports by a qualified psychologist or psychiatrist Student records		

21. The district considers eligible for a deaf/blind program, a student who has concomitant hearing and visual impairment resulting in:

a. severe communication problems,

b. developmental problems, and

c. educational problems which cannot be accommodated in special education programs solely for deaf or blind children

d. eligibility has been documented by an audiologist and ophthalmologist

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan sections Individual student evaluation reports by a qualified audiologist or ophthalmologist Student records		

F. PROGRAMS AND PLACEMENT - Adm. Manual, page 23

1. The district/agency ensures that to the maximum extent appropriate, handicapped children in public or private institutions or other care facilities are educated with children who are not handicapped.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan Project Assurance statements District/agency staff list	Off site and onsite contact with staff	

2. The district/agency ensures that special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan Project Assurance statements District/agency staff list	Off site and onsite contact with staff	

3. The district assumes administrative and leadership responsibility for district-wide programming for handicapped students, exclusive of any special schools.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan Project Assurance statements District/agency staff list	Off site and onsite contact with staff	

4. The district delineates in its Operational Plan:

   a. a design for delivery of services to all exceptional students in its jurisdiction

   b. a description of the continuum of programs and related services

   c. the policies and procedures that relate to:

      (1) Child identification
      (2) IEP development, implementation and revision.
      (3) criteria for determining eligibility and placement in accordance with LRE requirements
      (4) procedural safeguards
      (5) facilities, equipment and materials
      (6) personnel development
      (7) program monitoring and evaluation, and
      (8) use of funds.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan section District/agency staff list	Off site and onsite contact with staff	

5. The district submits its Operational Plan to the State Board of Education for approval each year.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan section District/agency staff list	Off site and onsite contact with staff	

6. The district has developed and maintains programs at the following levels:

Level I	regular classroom with consultant services
Level II	regular classroom with supportive or part-time services (resource room)
Level III	special education classroom with part-time mainstream experience
Level IV	full time special education classroom (full school day)

a. location is dependent on number and needs of children.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan Project Assurance statements Cooperative Agreements	Off site and onsite contact with staff Special Education Adm.	Onsite sample

7. The district has Cooperative Agreements for programs at the following levels:

Level IV	full time special education classroom, if not provided solely by the district in accordance with criterion 6.
Level V	special school
Level VI	supportive instruction at school, home, or hospital
Level VII	residential schools and treatment centers

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan Project Assurance statements	Off site and onsite contact with staff	

8. The district's Cooperative Agreements:

a. delineate the roles and responsibilities of all school districts and other public agencies

b. are signed by the chief administrators of all such school districts and other public agencies

c. are approved by the State Board of Education

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan Project Assurance statements	Off site and onsite contact with staff	

9. The district ensures that each handicapped student eligible for supportive instruction in Level IV receives such instruction in accordance with the student's IEP.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan Student IEP IEP Monitoring Records	Off site and onsite contact with staff	Onsite sample

10. Level VI is an alternative educational program provided at home, hospital or related site. However, for those children hospitalized or at home for a sudden illness or accident considered to be of a temporary nature, procedures for placement shall be limited to medical certification that the child cannot attend school. For all other children, the process delineated in Subsections B through F shall be followed. For regulatory purposes, all such cases shall be processed through the agency's special education program.

Documentation	**Verbal Report**	**Observation**
*Medical Certification for sudden illness or accident *Individual student records for all other cases *Student IEPs	Special Education Adm. Special Education Staff	

11. It shall be the responsibility of each school district to ensure that each handicapped student eligible for supportive instruction in Level VI receives such instruction in accordance with the student's IEP.

    (1) To be eligible for supportive instruction, Level VI, the following criteria shall be fulfilled:

        (a) Be of school age and enrolled in the district.

        (b) Be certified by a physician's statement if absence will be two weeks or more for physical reasons.

        (c) Be certified by a staff conference, including a psychologist or psychiatrist if absence is necessary due to severe adjustment problems.

(d) Be certified by a staff conference for in-school instruction as necessary to provide an orderly return to the education program.

(e) It should be noted that pregnancy complicated by illness or other abnormal conditions as certified by a physician may be considered a valid reason for supportive instruction; however, normal pregnancy is considered a condition for which other State supported instructional programs administered by local districts should be adequate.

Documentation	**Verbal Report**	**Observation**
*Individual student records containing evidence of all eligibility criteria *Student IEP *IEP Monitoring records	Special Education Staff Special Education Adm.	Onsite sample

12. Supportive instruction will begin as soon as administratively feasible and may continue upon return to school only in those exceptional cases where it is determined that the child needs a transitional program to guarantee a successful return to the school program. Exceptional cases shall be referred to the Department of Public Instruction for approval.

Documentation	**Verbal Report**	**Observation**
Individual student records	Special Education Adm. Special Education Staff	Onsite sample

13. The district ensures that any program developed at Levels I through III that serve students with a wide range of handicapping conditions in a common setting:

a. provide for the implementation of IEPs

b. are age appropriate

c. provide services to each handicapped student by a special education teacher certified in the appropriate categories of exceptionality.

Documentation	**Verbal Report**	**Observation**
Approved Operational Plan Student IEPs IEP Monitoring records	Special Education Adm. Special Education Staff	Onsite sample

14. The district/agency ensures the provision of the most appropriate vocational education programs through offering a continuum of vocational education placement including but not limited to:

a. regular vocational programs with no supportive services

b. regular vocational programs with supportive services

c. special vocational programs

d. self-contained vocational programs at special schools.

Documentation	Verbal Report	Observation
Operational Plan Student IEPs Student schedules		Onsite sample observations of such programs

15. The district/agency obtains parental consent prior to initial placement of a handicapped child in a program providing special education and related services

Documentation	Verbal Report	Observation
Operational Plan Consent form or letter *Individual student records with signed consent	Special Education Staff	Onsite sample observations of programs

16. The district/agency ensures that each handicapped student's educational placement is based on his or her IEP.

Documentation	Verbal Report	Observation
Student IEP	Special Education Staff	Onsite class visitations

17. The district/agency does not base placement decisions on:

a. category of handicapping condition

b. configuration of the service delivery system

c. availability of educational or related services

d. availability of space

e. curriculum content or methods of curriculum delivery

Documentation	Verbal Report	Observation
Student IEP	Special Education Staff	Onsite class visitations

18. The district/agency ensures that:

   a. each handicapped student's placement is at the school that the student would attend if not handicapped, unless the IEP requires some other arrangement.

   b. the educational placement is as close as possible to the student's home.

Documentation	**Verbal Report**	**Observation**
District zoning and transportation data	Special Education Staff	Onsite class visitations

19. The district/agency ensures the placement of a handicapped student in a special classroom is chronologically age-appropriate.

Documentation	**Verbal Report**	**Observation**
District/agency descriptions of age ranges served	Special Education Staff	Onsite class visitations

20. The district ensures that, to the maximum extent appropriate, each handicapped student is educated with children who are not handicapped.

Documentation	**Verbal Report**	**Observation**
District/agency descriptions of students served by level	Special Education Staff	Onsite class visitations

21. The district ensures that a separate educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Documentation	**Verbal Report**	**Observation**
Prereferral intervention Student evaluation Individual student records	Special Education Staff	

22. The district/agency considers potentially harmful effects on the student and the quality of services needed by the student when determining the least restrictive environment, including:

   a. disruptive behavior in a regular classroom impairing the education of the other students

Documentation	**Verbal Report**	**Observation**
MDT Reports IEP Committee Reports Student IEPs	Staff who serve on MDTs Staff who serve on IEP Committees	

23. The district/agency defines "change in placement" as:

   a. assignment to a different level of alternative program placement

   b. assignment to or from private placement

Documentation	Verbal Report	Observation
Operational Plan Individual student records	Special Education Staff	

24. The district places a handicapped student who transfers from another school district or public agency in a temporary educational setting that:

   a. appears to be most suited to the student's needs based on best available information including:

      (1) copy of current IEP
      (2) copy of cumulative folder contents
      (3) report card
      (4) oral information from parent or student
      (5) observation of district/agency representative

   b. is mutually agreed upon by the parent(s) and administrative representatives

Documentation	Verbal Report	Observation
Temporary placement documents Individual student records	Staff responsible for transferring students	

25. **The district/agency ensures that handicapped students participate with non-handicapped students in non-academic and extracurricular services and activities including meals and recess periods to the maximum extent appropriate.**

Documentation	Verbal Report	Observation
Student Schedules	Special Education teacher	Onsite verification of student schedule Onsite verification of student IEP

26. The district/agency ensures the availability to handicapped students the same supplemental services available to non-handicapped students including:

- a. art
- b. music
- c. physical education
- d. industrial arts
- e. consumer and homemaking education
- f. vocational education

Documentation	**Verbal Report**	**Observation**
Student schedules Student IEPs	Special Education Teacher	Onsite verification of student schedule Onsite verification of student IEP

27. The district/agency provides to each handicapped student related services based upon the IEP including:

- a. transportation
- b. speech pathology and audiology
- c. psychological services
- d. physical and occupational therapy
- e. recreation
- f. early identification and assessment of disabilities
- g. counseling services
- h. medical services for diagnostic or evaluation purposes
- i. school health services
- j. social work services in schools
- k. parent counseling and training
- l. other supportive services as are required to assist a handicapped student to benefit from special education.

Documentation	Verbal Report	Observation
*Student IEPs	Special Education Teacher	Onsite verification of student schedule Onsite verification of student IEP

28. The district/agency ensures that the hearing aids worn by deaf and hard of hearing students in school function properly.

Documentation	Verbal Report	Observation
Records of hearing aid checks	Special Education Teacher Related Services Staff School Nurse	

29. The district ensures that all facilities which house programs for handicapped students meet the standards approved by the State Board of Education in regard to:

    a. space

    b. health

    c. fire safety

    d. barrier-free regulations

Documentation	Verbal Report	Observation
	Special Education Adm.	Onsite verification of student IEP

30. The district provides appropriate materials and equipment for implementation of the IEPs.

Documentation	Verbal Report	Observation
	Special Education Teachers Related Service Staff	Onsite verification of IEPs

31. The district ensures that the length of each handicapped student's school day follows the regulations of the State Board of Education (#19, Adm. Manual, pg. 30), unless there is:

   a. decision by IEP Planning Committee

   b. approval by the District Superintendent

Documentation	Verbal Report	Observation
	Special Education Adm. Attendance Personnel	

32. The district enforces compulsory attendance regulations (14 Del. C.03 and 2706) for exceptional students between the ages of 5 and 16.

Documentation	Verbal Report	Observation
Attendance records	Special Education Adm. Attendance Personnel	

33. The district establishes attendance requirements for handicapped students under or over the compulsory school attendance age range according to the IEP conference.

Documentation	Verbal Report	Observation
Operational Plan	Special Education Adm.	

34. The district provides transportation of handicapped students to and from:

   a. school

   b. other educational facilities

   c. related service facilities in accordance with State and local rules and regulations.

Documentation	Verbal Report	Observation
Student IEP	Transportation Staff Special Education Staff	Onsite

35. The district provides special transportation as a related service as indicated in a student's IEP to include:

   a. travel to and from school
   b. travel between schools
   c. travel in and around school buildings
   d. use of specialized equipment (special or adapted buses, lifts, ramps).

Documentation	**Verbal Report**	**Observation**
Student IEP	Transportation Staff	Onsite

36. The State funds travel to and from and between schools including specialized equipment when:

   a. travel and/or specialized equipment are specified on the IEP
   b. it is necessary for the implementation of the student's IEP, and
   c. travel arrangements are made in consultation with the local transportation coordinator.

Documentation	**Verbal Report**	**Observation**
Student IEP	Transportation Staff	Onsite

37. The district funds transportation provided to accommodate related services including but not limited to:

   a. **work-study arrangements**
   b. **cooperative work arrangements**
   c. **extracurricular activities**

Documentation	**Verbal Report**	**Observation**
Student IEP	Transportation Staff	Onsite

38. The district/agency provides vocational education to handicapped students according to their IEPs in the least restrictive environment:

   a. included as part of the vocational component of the IEP

   b. developed in cooperation with the:
      (1) parent
      (2) student
      (3) representatives from vocational education
      (4) representatives from vocational rehabilitation
      (5) representatives from regular and special education
      (6) representatives from other human service agencies, when applicable available with equal access to recruitment, enrollment, and placement activities.

Documentation	**Verbal Report**	**Observation**
Student IEP	IEP Team	Onsite
	Special Ed staff	
	Vocational staff	

39. The district/agency provides support services to assist in vocational training and placement including:

   a. special services, including adaptation of curriculum, instructional equipment, and facilities

   b. guidance services and career development staff who are associated with the provision of such special services

   c. counseling services designed to facilitate the transition from school to post-school employment and career opportunities

Documentation	**Verbal Report**	**Observation**
Student IEP	Vocational Education Staff	
IEP Committee Reports	Staff who serve on IEP committees	
	Other agency staff	
	Guidance Staff	
	Career Education Staff	
	Specialized Transition Staff	

40. The district/agency provides physical education services to every handicapped student.

Documentation	**Verbal Report**	**Observation**
Student IEP	Special Education Teacher Physical Education Teacher Adaptive Physical Education Teacher	Onsite verification of IEP

41. The district/agency provides each handicapped student the opportunity to participate in the regular physical education program unless:

    a. the student is enrolled full-time in a separate facility

    b. the student needs specially designed physical education as prescribed in the IEP.

Documentation	**Verbal Report**	**Observation**
Student IEP	Special Education Teacher Physical Education Teacher Adaptive Physical Education Teacher	Onsite verification of IEP

42. The district/agency provides or arranges for provision of specially designed physical education as prescribed in the IEPs.

Documentation	**Verbal Report**	**Observation**
Student IEP	Special Education Teacher Physical Education Teacher Adaptive Physical Education Teacher	Onsite verification of IEP

43. The district/agency ensures that each handicapped student enrolled in a separate facility receives appropriate physical education.

Documentation	**Verbal Report**	**Observation**
Student IEP	Special Education Teacher Physical Education Teacher Adaptive Physical Education Teacher	Onsite verification of IEP

44. The district adheres to IPRD ensuring that:

    a. only bona fide handicapped students receive special education funded services.

    b. handicapped students are appropriately identified.

    c. the nature and severity of handicapping conditions are defined as clearly as possible.

    d. student IEPs appropriately address the handicapped student's educational needs.

    e. academic progress is monitored and IEP revisions reflect consideration of the progress.

f. the education of the handicapped student is provided in the least restrictive environment.

g. students whose handicapping conditions no longer limit academic progress are declassified.

Documentation	Verbal Report	Observation
Operational Plan	Special Education Adm. Special Education Staff Student Evaluation Staff	

45. To implement IPRD the district employs the following steps:

a. identification - a systematic review of clinical and/or educational diagnostic information provided through the multidisciplinary team by which the nature and severity of a handicapping condition can be accurately determined.

b. placement - a consideration of the educational needs of the student and ultimate assignment to classes, services, or programs necessary to achieve IEP goals and objectives within the least restrictive environment.

c. review - a reexamination of a student's educational progress for making changes in IEP goals and objectives consistent with least restrictive environment requirements.

d. dismissal - a data based/documented determination that a handicapped student's progress is no longer impeded by the handicapping condition and that special education and related services are no longer indicated.

Documentation	Verbal Report	Observation
Operational Plan Individual Student Records Case Management records	MDT Members IEP Team Members	

46. The district implements the IPRD process as part of IEP meetings to:

a. validate need

b. assure appropriate services

Documentation	Verbal Report	Observation
IEP Meeting record	IEP Team Members	

INTERAGENCY - G., Adm. Manual, p. 35

1. When an IEP team determines that a handicapped student's educational needs cannot be met appropriately in the student's district of residence or through cooperation with other school districts, interagency programs are considered, within least restrictive environment requirements.

Documentation	Verbal Report	Observation
IEP meeting reports Student IEP	IEP Team Members	

2. Interagency programs are in accordance with the State Plan for the delivery of services to exceptional children.

Documentation	Verbal Report	Observation
Approved Operational Plan	Special Education Adm. Staff who operate interagency programs	

3. Interagency programs at level IV, V, and VI receive the administrative and related services of the district or other public agency administering the program.

Documentation	Verbal Report	Observation
Management records	Special Education Adm. Interagency Program Staff	

4. An interagency program which provides for one or more categories of exceptional children who need a concentration of expertise, special facilities and/or equipment shall be eligible for administrative and related personnel, pursuant to 14 Del. C.3.

Documentation	Verbal Report	Observation
Approved Operational Plan	Interagency Program Staff	

Note: All Local Cooperative Agreements are reviewed for compliance using the Operational Plan review form.

5. The district provides for identification, evaluation, and placement procedures for student's residing within its geographic boundaries.

Documentation	Verbal Report	Observation
Operational Plan	Special Education Adm. Student Evaluation Staff Child Find Staff	

6. The district or regional supervisor of special education or designee

   a. sets the date, time and place of all meetings.

   b. chairs, designates, or agrees upon a chairperson for all meetings.

   c. communicates the name of the student to be discussed, the date, and place of the meeting to individuals involved.

   d. receives all requests for review and appeal.

   e. communicates recommendations of staffing to all appropriate staff.

Documentation	Verbal Report	Observation
Correspondence Minutes of meetings	District or Regional Supervisor	

7. An interdistrict/interagency conference is held for a student when it is suspected that the student's need for special education can only be met at Levels V or VI of the continuum of services.

Documentation	Verbal Report	Observation
Record of meeting	District of residence Special Education Adm.	

8. The conference is arranged by the supervisor of special education or designee in the student's district of residence.

Documentation	Verbal Report	Observation
Correspondence Log of meetings	Special Education Adm. Interagency Staff	

9. All procedures of the regular staff conference are followed except that:

   a. representative of the interdistrict/interagency program participates in the conference

   b. the administrator/supervisor of the receiving interdistrict or interagency program casts the deciding vote if consensus cannot be reached.

Documentation	Verbal Report	Observation
Records of meeting	Special Education Adm. Interagency Staff	

10. The district of residence participates in the follow-up of students placed in interdistrict or interagency programs by reviewing the student's progress in a staff conference conducted no less than once during a calendar year, by the interdistrict or interagency program.

Documentation	Verbal Report	Observation
Record of conferences Individual student records	Special Education Adm. Interagency Staff	

11. The district of residence of the handicapped student arranges for all evaluation and diagnosis, whether initial or reevaluation.

Documentation	Verbal Report	Observation
Correspondence Individual student records Case management logs	Special Education Adm. Interagency Staff	

ELIGIBILITY AND DISMISSAL

1. The public agency makes available review and appeal processes to any student who has failed to meet eligibility criteria for placement in an interagency program.

Documentation	Verbal Report	Observation
Operational Plan	Special Education Adm.	
Procedural safeguards notice	MDT members	

2. When an IEP team determines that a student's needs are not being met appropriately in an interagency program, the administrator/supervisor of the interagency program notifies the district special education supervisor of residence prior to any action on a change of placement.

Documentation	Verbal Report	Observation
Notice to special education administrator	Special Education Adm. Interagency Program Adm.	

3. The agency providing direct services to the student holds an interagency staff conference to resolve the issue of a student's needs not being met in accordance with the rules and regulations established by the State Board of Education.

Documentation	Verbal Report	Observation
Record of conference	Special Education Adm.	
Individual student record	Interagency Program Adm.	

ANNUAL REVIEW AND REVISION OF IEP

1. The district/agency initiates and conducts meetings to review each handicapped student's IEP and, if appropriate, revise its provisions.

Documentation	Verbal Report	Observation
Record of IEP meetings		
Student IEP		

2. The district/agency conducts meetings to ensure that IEPs are in effect at the beginning of and throughout the school year.

Documentation	Verbal Report	Observation
Record of IEP meetings Student IEP		

3. The IEP team which provides direct services to the student conducts the review.

Documentation	Verbal Report	Observation
Student IEP	IEP team members	Onsite verification of IEP

4. Members of the IEP team collect data, review the IEP, and revise the IEP as necessary.

Documentation	Verbal Report	Observation
Student IEP	IEP team members	Onsite verification of IEP

5. Each meeting to review and revise a student's IEP includes:

   a. a representative of the school public agency other than the student's teacher, who is qualified to provide or supervise the provision of special education

   b. the student's current teacher

   c. one or both of the student's parents

   d. the student, when appropriate

   e. other individuals at the discretion of the parent or the public agency.

Documentation	Verbal Report	Observation
Student IEP	IEP team members	Onsite IEP verification

6. Documentation of meetings held to review and revise a student's IEP includes:
   - a. the student's present level of educational performance;
   - b. annual goals, including short term instructional objectives;
   - c. specific special education and related services to be provided to the student, including physical education and vocational education, which are specially designed to meet the unique needs of the handicapped student;
   - d. the extent to which the student will be able to participate in regular education programs;
   - e. the projected dates for initiation of services and the anticipated duration of the services;
   - f. appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved, 34 CFR 300.346;
   - g. whether or not it is necessary to place the student who is transported from school by bus into the charge of a parent or other authorized responsible person, (supplement to: School Bus Drivers' Handbook, p. 59, Section 6, Paragraph III F, December 19, 1985;)
   - h. documentation of consideration of Least Restrictive Environment (LRE) requirements; and
   - i. where applicable, a vocational/transitional component as specified in Section 8 of this Subpart and Section 20 of Subpart F.

Documentation	**Verbal Report**	**Observation**
Student IEP	IEP team members	Onsite IEP verification

7. During the Annual IEP review, the IEP team considers the needs of the student who is scheduled to move from one organizational level of the school system to another organizational level, e.g., from elementary school to middle school.

Documentation	**Verbal Report**	**Observation**
IEP team meeting records Student IEP	IEP team members	

8. Communication with the staff of the receiving program occurs to ensure that the handicapped student's articulation does not endanger his/her receipt of a free, appropriate education.

Documentation	Verbal Report	Observation
Record of communication	School staff assigned	

GRADUATION REQUIREMENTS - H. 2., Adm. Manual, p.51

1. Requirements for graduation are the same for all students.

Documentation	Verbal Report	Observation
Operational Plan	Special Education Adm.	

2. Handicapped students are awarded a diploma upon fulfillment of:

   a. the 17 Minimal Performance Requirements in the basic skill areas of reading, writing, and mathematics

   b. the minimum 19 credit and distribution requirement

   c. attendance requirements

   d. other requirements as established by the local school district for non handicapped students.

Documentation	Verbal Report	Observation
Operational Plan Individual student records	Special Education Adm.	

3. Methods for determining that the Minimal Performance Requirements are met are specified on the student's IEP, as part of the evaluative criteria and procedures.

Documentation	Verbal Report	Observation
*Student IEP		

4. The teacher, related service providers and all members of the IEP team determine the extent to which Minimal Performance Requirements are achieved.

Documentation	Verbal Report	Observation
Student IEP	Teacher	
Individual student records	IEP Team Members	
	Related Services Provider	

5. The teacher, related service providers and all members of the IEP team ensures that fulfillment of the 17 Minimal Performance Requirements are not used as the sole basis for satisfying the course distribution requirements and that other course content,is represented.

Documentation	Verbal Report	Observation
Individual student records	Teacher	
	IEP Team Members	

6. Written notices of the results of annual IEP reviews for handicapped students in their senior year are sent to building principals who determine their eligibility for graduation.

Documentation	Verbal Report	Observation
*Example of notices	Principals	
	IEP Team Members	

7. For those handicapped students who are unable to meet the established Minimal Performance Requirements for a diploma, a record of performance indicates all accumulated Minimal Performance Requirements acquired by the student and other pertinent information as provided for all students.

Documentation	Verbal Report	Observation
Example of student record	Principal	
	Special Education Adm.	

8. Handicapped students unable to meet the requirements for a diploma are given the option to complete those requirements by continuing their education, at district expense, through age 20.

Documentation	Verbal Report	Observation
Examples of records for students who are continuing through age 20.	Special Education Adm. Principals Teachers	

9. Handicapped students, whether they are receiving a diploma or certificate of performance, are allowed to participate in graduation ceremonies without reference to the student's handicap, educational placement or the type of document conferred.

Documentation	**Verbal Report**	**Observation**
	Special Education Adm. Principals Teachers	

STUDENT MANAGEMENT AND DISCIPLINE - I., Adm. Manual, p.53

1. Suspension for more than 10 days, either consecutively or cumulatively, in any one school year, or expulsion for any offense is considered a change in placement of a handicapped student, as defined in this Part if:

   a. the offense was a manifestation of or related to the student's handicapping condition, or

   b. the student was inappropriately placed at the time of the offense or there is a likelihood that a change in the student's program or placement would alleviate the misconduct which led to the offense.

Documentation	**Verbal Report**	**Observation**
Operational Plan	Special Education Adm. Principals or discipline designee	

2. Suspensions are defined as including:

   a. in-house suspension for more that 10 days, either consecutively or cumulatively, if it deprives a handicapped student of a significant component of his or her IEP.

   b. suspension or exclusion from transportation, if it results in the handicapped student's absence from school for more than 10 days, either consecutively or cumulatively.

   c. suspension, exclusion, expulsion, or withdrawal under a behavioral contract pursuant to a student disciplinary code, which is not part of an IEP, if it results in the handicapped student's absence from school for more than 10 days, either consecutively or cumulatively.

Documentation	**Verbal Report**	**Observation**
Operational Plan	Special Education Adm. Principal or discipline designee	

3. An IEP team determines the relationship of the offense to the student's handicapping condition.

Documentation	Verbal Report	Observation
IEP team reports Student IEP	IEP Team Members	

4. Expulsion or suspension for more than 10 days, whether consecutively or cummulatively, triggers:

   a. the full range of procedural safeguards.

   b. all due process rights accorded all pupils in the district with respect to long-term suspension or expulsion.

   c. all other rights and procedures as are consistent with State and federal law.

Documentation	Verbal Report	Observation
Notice of Procedural Safeguards Individual student records	Special Education Adm. Principal or discipline designee	

5. The student remains in his/her educational placement during:

   a. proceedings to determine whether the student's behavior is the result of his or her handicapping condition and/or an inappropriate program or placement; or

   b. proceedings to expel or to suspend for more that 10 days where a determination has been made that the student's behavior is the result of his or her handicapping condition and/or inappropriate program or placement.

Documentation	Verbal Report	Observation
Individual student records	Special Education Adm. Principal or discipline designee	

6. During the pendency of the above proceedings, the full range of appropriate services within the present placement is made available to allow the student to function within that placement.

Documentation	Verbal Report	Observation
Individual student records	Special Education Adm. Principal or discipline designee Teacher	

7. Such efforts to provide the student with the full range of appropriate services within the present placement are documented and presented in the proceedings.

Documentation	**Verbal Report**	**Observation**
*Record of proceedings		

8. In extraordinary cases where the student is a danger to himself or herself, or to others, or is so disruptive that his or her behavior substantially interferes with the right of other students in the class to learn, the district/agency may, with parent consent, place the student in a more restrictive environment or provided the student with supportive instruction at home, in lieu of the student's present educational placement.

Documentation	**Verbal Report**	**Observation**
Examples of individual student records Parent consent	Special Education Adm. Principal/discipline designee	

9. In such extraordinary cases, the district/agency has documented:

   a. the behavior of the student

   b. the district/agency's efforts to provide services to allow the student to function within his or her present educational placement, or the futility or lack of success thereof, and

   c. the rationale for the above decisions.

Documentation	**Verbal Report**	**Observation**
Individual student records Discipline records	Special Education Adm. Principal/discipline designee	

10. In such extraordinary cases, the district/agency convenes an IEP team meeting within 5 school days.

Documentation	**Verbal Report**	**Observation**
IEP team meeting report	Principal/discipline designee IEP team members	

11. The district/agency shall document all such instances of suspension, exclusion, expulsion, or withdrawal, and the reasons for such action.

Documentation	**Verbal Report**	**Observation**
Discipline records IEP team meeting report	Principal/discipline designee	

12. Where a determination has been made by the student's IEP team that the student's behavior is not the result of his or her handicapping condition and/or inappropriate program, the full range of sanctions set out in the student code governing all pupils in the district/agency may be imposed. The school district or other public agency responsible for the education of the handicapped student shall comply with PL 94-142 with respect to the provision of continuing services.

Documentation	**Verbal Report**	**Observation**
Individual student records	Special Education Adm.	
Discipline records	Principal/discipline designee	
	IEP Members	

13. Handicapped students who are suspended for 10 days or less are accorded the due process rights accorded all pupils in the district with respect to short term suspensions.

Documentation	**Verbal Report**	**Observation**
Examples of individual student records with procedural safeguards	Special Education Adm. Principal/discipline designee	
Discipline records		

14. When an IEP team, with parent consent, includes exclusion from class or school as part of a treatment procedure, the above policies are not enforced.

Documentation	**Verbal Report**	**Observation**
IEP team meeting report	IEP Team Members	
Student IEP		
*Parent consent		

15. The district/agency, in no instance, uses exclusion as a treatment procedure to deny a student long-term access to programming.

Documentation	**Verbal Report**	**Observation**
Examples of individual student records	Special Education Adm. Principal/discipline designee	
Log or use of exclusion as a treatment procedure		

CORPORAL PUNISHMENT - H. 3. , Adm. Manual, p.55

1. Prior to any proposed administration of corporal punishment to a handicapped student, a determination is made by the district/agency whether the misconduct prompting the proposed corporal punishment is related to or a manifestation of the student's handicapping condition.

Documentation	Verbal Report	Observation
Discipline records	Principal/discipline designee	

2. If the handicapped student's misconduct is related to or a manifestation of the student's handicapping condition, any discipline is in accordance with the student's IEP.

Documentation	Verbal Report	Observation
Student IEP Discipline records	Principal/discipline designee	

3. If the handicapped student's misconduct is not related to or a manifestation of the student's handicapping condition, corporal punishment is administered in accordance with the same State and other provisions as apply to non-handicapped student in the district/agency.

Documentation	Verbal Report	Observation
Discipline records	Principal/discipline designee	

4. At the beginning of the school year, or when a student enters a special education program, the public agency provides to parents of each handicapped student written notice of the rules and regulations applicable to handicapped students with respect to discipline, suspension, expulsion, exclusion as a treatment procedure, and corporal punishment.

Documentation	Verbal Report	Observation
*Copy of discipline notice containing information on discipline, suspension, expulsion, exclusion, corporal punishment.	Special Education Adm.	

SURROGATE PARENTS - J., Adm. Manual, p.57

1. The district/agency uses the following criteria to determine the need for a handicapped student to have a surrogate parent.

   a. Parental rights have been terminated by the Family Court and such handicapped student has not been adopted.

   b. Custody has been awarded to the Department of Services for Children, Youth and Their Families by the Family Court, except in cases where at least one parent is available, willing and able to act on behalf of the student or a handicapped student has been placed by the Division of Child Protective Services in the home of the student's relative who can then act as a surrogate for that student.

c. Commitment to the Division of Youth Rehabilitation Services involves a handicapped student whose parents are unknown or unavailable.

d. Parents or guardians of a handicapped student are unknown or unavailable, and custody has not been awarded to the Department of Services for Children, Youth and Their Families.

Documentation	Verbal Report	Observation
Operational Plan	Special Education Adm.	

2. The district/agency notifies the Department of Public Instruction Division of Exceptional Children/Special Programs State Director of the names of persons who may serve as surrogates.

Documentation	Verbal Report	Observation
Notices filed with DPI	Special Education Adm.	

3. The Department of Public Instruction, Exceptional Children/Special Programs Division screens each potential surrogate to determine that he/she is:

a. is at least eighteen years of age

b. is a resident of the State of Delaware

c. is competent to represent the student

d. is not an employee of a district or public agency involved in the education or care of the student

e. has no interest that conflicts with the interest of the student represented

f. receives instruction state and federal laws and regulations, due process procedures, handicapping conditions and the availability of programs and services for handicapped students

g. converses in the primary communication mode used by the student.

Documentation	Verbal Report	Observation
DPI Records	DPI staff Special Ed. Adm.	

4. **The Department of Public Instruction, Exceptional Children/Special Programs Division notifies the appropriate district/agency of the availability of surrogate *parents who have obtained certificates.***

Documentation	**Verbal Report**	**Observation**
Copy of notice to district/ agency		

5. **When a school district or a public agency other than DSCYF determines that a handicapped student requires a surrogate parent, the district Superintendent in which the student is receiving or will receive special education files with the Family Court of Delaware a Petition of Appointment for Surrogate Parent, after ascertaining that the surrogate is willing to serve and notifies the Director, Exceptional Children/Special Programs Division of the appointment of a surrogate by the Family Court.**

Documentation	**Verbal Report**	**Observation**
*Copies of petitions Correspondence with potential surrogates Correspondence with DPI		

6. **For a handicapped student who is receiving his/her special education at agencies of the Department of Services for Children, Youth and Their Families, and who meets one of the criteria for a surrogate the Chief Administrator of such agency notifies the district Superintendent of the district in which such agency is located of the existence of such student, and the District Superintendent shall file the Petition with the Family Court for that student and notifies the Director, Exceptional Children/Special Programs Division of the appointment of a surrogate by the Family Court.**

Documentation	**Verbal Report**	**Observation**
Correspondence from DSCYF Copy of petition Correspondence with DPI		

PROCEDURAL SAFEGUARDS - K., Adm. Manual, p.63

1. **The public agency has adopted and implemented procedures which protect the rights of exceptional students including:**

    a. availability of Due Process Hearings

    b. availability of Administrative Complaint Procedures

    c. local procedures

Documentation	Verbal Report	Observation
Records of due process hearings Procedural safeguards notice Operational Plan	Special Education Adm.	

2. A parent or district/agency may initiate a due process hearing in accordance with Sections 5 through 11 of this subpart, where the public agency:

   a. proposes to initiate or change the identification, evaluation, or educational placement of the student, or the provision of a free appropriate public education to the student

   b. refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student

   c. denies, in whole or in part, a right or entitlement conferred by 14 Del. C., Ch.31.

Documentation	Verbal Report	Observation
Operational Plan Procedural Safeguards Notice Records of due process hearings	Special Education Adm.	

3. A public agency or private individual or organization with an allegation of substance about the actions of any district or other public agency responsible for the education of a handicapped student which is contrary to the requirements of the Education for All Handicapped Children Act has requested the State Education Agency to initiate procedures to determine compliance.

Documentation	Verbal Report	Observation
Contacts with SEA	Special Education Adm.	

RIGHT TO EXAMINE RECORDS

1. The parents of a handicapped student, either personally or through the parent's representative, are afforded a reasonable opportunity to inspect and review all relevant records with respect to:

   a. the identification, evaluation, and educational program and placement of the student, and

   b. the provision of a free, appropriate public education to the student.

Documentation	Verbal Report	Observation
Notice of rights to review Documentation of review session	Special Education Adm. Records Management Staff	

2. Parents may obtain copies of all records except the actual evaluation or examination instruments:

   a. at no charge

   b. for a fee which does not exceed the cost of the copies and which does not effectively prevent parents from exercising their right to inspect, review, and copy records.

Documentation	Verbal Report	Observation
Notice of records rights	Special Education Adm. Records management staff	

3. The public agency provides for parents to visit and observe either personally or through a representative, their child's participation in the current or proposed educational program. The district may require advance notice prior to such visits.

Documentation	Verbal Report	Observation
	Special Education Adm. Special Education staff	

WRITTEN NOTICE

1. The public agency provides prior written notice to parents of handicapped students whenever it proposes to initiate or change, or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free, appropriate education of the student. This requirement applies to reevaluation and continued placement in special education.

Documentation	Verbal Report	Observation
*Copies of notices Individual student records		

2. Written notice is sent to parents no less than 10 working days before implementation of such action.

Documentation	Verbal Report	Observation

   a. The notice includes:

      1. a full explanation of all the procedural due process safeguards available to parents under State and federal regulations.

2. a description of the action proposed or refused by the agency along with a explanation and description of options the agency considered and reasons for rejection of the options.

3. A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal.

4. the district/agency makes special education and related services available to handicapped students who have been placed in private school or facilities by their parents.

Documentation	Verbal Report	Observation
*Written notice, dated		

*****Refer to Forms Checklist to determine that the district's/agency's form compliance with content of notice requirements.

b. The public agency ensures that the notice is:

1. written in language understandable to the general public.

2. provided in the native language or other mode of communication used by the parent, unless it is clearly not feasible to do so.

Documentation	Verbal Report	Observation
*Written notice Individual student records	Special Education Adm.	

c. If the parent's native language or mode of communication is not written, the public agency takes steps to insure that:

1. the notice is translated orally or by other means to the parent in his or her native language or other mode of communication.

2. the parent understands the content of the notice.

3. there is written evidence that state requirements have been met.

Documentation	Verbal Report	Observation
*Written documentation		

3. By mutual agreement between parents and the agency staff, immediate action may be initiated or action may be postponed.

Documentation	Verbal Report	Observation
Written agreement	Special Education Adm.	

PARENT CONSENT

1. The public agency fully informs parents of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication.

Documentation	Verbal Report	Observation
Written notices Notation of use of other languages or modes of communication	Special Education Adm. Staff responsible for notice conferences	

2. The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought.

Documentation	Verbal Report	Observation
*Written parent consent		

3. The consent describes the activity and lists the records, if any, which will be released, and to whom they will be released.

Documentation	Verbal Report	Observation
*Written parent consent		

4. The parent understands that the granting of consent is voluntary and may be revoked at any time.

Documentation	Verbal Report	Observation
Content of consent document	Special Education Adm.	

5. The district/agency obtains parent consent prior to conducting an initial individual student evaluation.

Documentation	Verbal Report	Observation
Consent form Individual student records *Written parent consent		

6. The district/public agency obtains parent consent prior to initially placing a handicapped student in a program providing special education and related services.

Documentation	Verbal Report	Observation
*Written parent consent Individual student record		

7. Consent is not required as a condition of any benefit to the parent or student, except for initial individual student evaluation and initial placement.

Documentation	Verbal Report	Observation
Individual student records	Special Education staff	
District/agency consent forms	Special Ed. Adm.	

8. A parent's refusal of consent for initial individual evaluation or initial placement may be appealed by the public agency utilizing the hearing procedures established in Sections 5 through 11 of the subpart.

Documentation	Verbal Report	Observation
Examples of appeals	Special Education Adm.	

DUE PROCESS HEARINGS

1. If the hearing panel upholds the public agency, the agency may evaluate or initially provide special education and related services to the student without parental consent, subject to the parent's right to a civil action.

Documentation	Verbal Report	Observation
Case examples	Special Education Adm.	

2. Unless the public agency and parents agree otherwise, the student involved in the complaint remains in his or her present educational placement during the pendency of any administrative or judicial proceeding.

Documentation	Verbal Report	Observation
Individual student records	Special Education Adm.	

3. The public agency responsible for the student's education uses its normal procedures for dealing with students

   a. who are endangering themselves or others
   b. who are so disruptive that their behavior substantially interferes with the right of other students in the class to learn.

Documentation	Verbal Report	Observation
Individual student records	Special Education Adm.	

CONFIDENTIALITY OF STUDENT RECORDS - L., Adm. Manual, p.72

1. The district/agency permits parents to inspect and review any education records relating to their children which are collected, maintained, or used by the district under this part.

Documentation	Verbal Report	Observation
Records management log	Special Education Adm.	
Case file	Records Management Staff	

2. The district complies with a request to review a student's record without unnecessary delay and before any meeting regarding an IEP or hearing relating to the identification, evaluation, or placement of the student.

Documentation	Verbal Report	Observation
Records management log	Special Education Adm.	
Case file	Records Management Staff	

3. In no case has the public agency delayed for more than 45 days after the request was made.

Documentation	Verbal Report	Observation
Request, dated	Special Education Adm.	
Records management log	Records Management Staff	
Case file		

4. The public agency staff responds to reasonable requests for explanations and interpretations of the records.

Documentation	Verbal Report	Observation
Operational Plan	Special Education Adm. Records Management Staff	

5. The district/agency provides copies of the records containing the information, if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records.

Documentation	**Verbal Report**	**Observation**
Operational Plan	Special Education Adm. Records Management Staff	

6. The district/agency provides for allowing a representative of the parent to inspect and review the records.

Documentation	**Verbal Report**	**Observation**
Operational Plan	Special Education Adm.	
Example of access	Records Management Staff	

7. The district/agency may presume that a parent has the right to inspect and review his or her child's record unless the public agency has been advised that the parent does not have the authority under applicable State law governing such matters, e.g., guardianship, separation, and divorce.

Documentation	**Verbal Report**	**Observation**
Operational Plan	Special Education Adm.	
Example of notice re access	Records Management Staff	

8. The district/agency maintains a record of parties gaining access to education records collected, maintained, or used under this part, except access by parents and authorized employees of the school district or other public agencies.

Documentation	**Verbal Report**	**Observation**
Record of access form or log	Special Education Adm. Records Management Staff	
*Examples of completed forms or logs of access		

9. The record of access contains the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Documentation	**Verbal Report**	**Observation**
*Record of access form or log		
Examples of completed forms or logs		

10. Parents are only allowed access to the information relating to their child where the education record includes information on more than one student.

Documentation	Verbal Report	Observation
	Special Education Adm. Records management staff	

11. The district/agency provides parents on request a list of the types and locations of education records collected, maintained, or used by the agency.

Documentation	Verbal Report	Observation
Example of a list of types and locations of records Copies of correspondence with parents	Special Education Adm. Records Management Staff	

12. The district/agency may charge a fee for copies of records if the fee does not effectively prevent the parents from exercising their right to inspect and review the records.

Documentation	Verbal Report	Observation
Operational Plan	Special Education Adm. Records Management Staff	

13. The district/agency does not charge fees to search for or to retrieve information from a student's education records.

Documentation	Verbal Report	Observation
	Special Education Adm. Records Management Staff	

14. A parent may request the district/agency which maintains information to amend the information if they believe that information in education records is inaccurate or misleading, or violates the privacy or other rights of the student.

Documentation	Verbal Report	Observation
Example of a written request	Special Education Adm. Records Management Staff	

15. The district/agency decides whether to amend the information in accordance with the request within a reasonable period of time, after receipt of the request.

Documentation	Verbal Report	Observation
Case example with notification of decision	Special Education Adm. Records Management Staff	

16. If the district/agency decides to refuse to amend the information in accordance with the request, it informs the parent of the refusal and advises the parents of the right to a hearing.

Documentation	Verbal Report	Observation
Written notice of refusal Notation of refusal in parent conference	Special Education Adm. Records Management Staff	

17. Upon request, the district/agency provides an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or to otherwise in violation of the privacy or other rights of the student.

Documentation	Verbal Report	Observation
Example of a hearing record	Special Education Adm. Records Management Staff	

18. If the hearing results indicate that the information is inaccurate, misleading or otherwise violates the rights of the students, the district/agency amends the information accordingly and so informs the parent in writing.

Documentation	Verbal Report	Observation
Report of hearing *Written Notice to parent	Special Education Adm. Records Management Staff	

19. If the hearing results indicate that the information is not inaccurate, misleading, or otherwise in violation of the privacy of other rights of the student, the public agency informs the parents of their right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the district.

Documentation	Verbal Report	Observation
Notice to parent Example of a case where this occurred	Special Education Adm. Records Management Staff	

20. Any explanation placed in the records of the student under this section:

    a. is maintained by the public agency as part of the education records of the student as long as the record or contested portion is maintained by the agency.

b. is disclosed, if the record of the student or the contested portion is disclosed by the public agency to any party.

Documentation	Verbal Report	Observation
Individual student records	Special Education Adm. Staff who manage student records	

21. Records kept on handicapped students conform with the procedures for the Collection, Maintenance and Disclosure of Student Data, Handbook for Delaware School, K-8 and the Handbook for Secondary Schools.

Documentation	Verbal Report	Observation
Individual student records	Records Management Staff	

PRIVATE PLACEMENTS - M., Adm. Manual, p.75

1. The Department of Public Instruction recommends to the State Board of Education action on referrals for approval of private placement based on these criteria:

   a. a public agency program is neither available nor adequate

   b. no space is available, nor is space available in adjacent public agency programs

   c. the student meets the eligibility criteria certified by the public agency.

2. The district/agency responsible for the education of a handicapped student refers students for private placement when it is unable to provide an appropriate program through use of other resources.

Documentation	Verbal Report	Observation
DPI records of referral	Special Education Adm.	

3. The district/agency develops the initial IEP for each handicapped student who is referred for approval for placement in a private school or facility. 34CFR 300, 347 (a) (1).

Documentation	Verbal Report	Observation
Individual student records for students served in private placements	Special Education Adm.	
Student IEP	IEP committee members	

4. The district/agency insures that a representative of the private school or facility attends the meeting or participates in the placement process via individual or conference telephone calls.

Documentation	Verbal Report	Observation
Student IEP	Special Education Adm.	
Other attendance records		
Records of telephone calls		

5. After a handicapped student enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the district or any public agency.

Documentation	Verbal Report	Observation
Procedure or correspondence indicating responsibility	Special Education Adm.	
Student IEPs		
Notice to parents		

6. In those instances where a private school or facility implements a student's IEP, the district/agency maintains responsibility for compliance with State and federal regulations.

Documentation	Verbal Report	Observation
Individual student records for students served in private placements	Special Education Adm.	
Student IEP	IEP committee members	
Report of visits to private schools or facilities		

INDEPENDENT PLACEMENTS - M. 6., Adm. Manual, p. 80

1. The district/agency has exercised its option to independently place a handicapped student in a private or public school or facility and provide tuition from appropriate school district or other agency funds, without State Board Approval.

Documentation	Verbal Report	Observation
Individual student records for students served in private placements	Special Education Adm.	

2. The independent placement setting has been certified as a program meeting the applicable standards of the host state.

Documentation	Verbal Report	Observation
Correspondence or reports regarding certification of program		

3. If a handicapped student has available a free, appropriate public education and the parents choose to place the student in a private school or facility, the district/agency is not required to pay for the student's education at the private school or facility. However, the district/agency shall make services available to the student as provided in Part B of the Education of the Handicapped Act.

Documentation	Verbal Report	Observation
Examples of student cases	Special Education Adm.	

4. The district/agency makes special education and related services available to handicapped students who have been placed in private school or facilities by their parents.

Documentation	Verbal Report	Observation
Individual student records for students served in private placements Student IEP	Special Education Adm.	

5. Due process procedures are used to address disagreements between a parent and a district/agency regarding the availability of an appropriate program for the student.

Documentation	Verbal Report	Observation
Results of due process hearings	Special Education Adm.	

Delaware Educational Assessment Program (DEAP) - N., Adm. Manual, p.82

1. All mainstreamed special education students are tested. The inclusion of other special education students in statewide testing is encouraged, but shall be at the discretion of their IEP teams.

Documentation	**Verbal Report**	**Observation**
Individual student records	IEP Team Members	
DEAP records	Special Education Adm.	
IEP team records		

2. The exclusion of a mainstreamed, special education student from the statewide testing program is determined by the IEP team. Reasons for exclusion from testing are listed below:

   (1) Students who show a severe emotional or physical over-reaction to the testing situation or who are known to react adversely to testing situations;

   (2) Non-English speaking students;

   (3) Students with moderate to severe learning disabilities or socio/emotional maladjustments; and

   (4) Students who have physical handicaps which prevent them from using paper and pencil or from hearing the test administration instructions.

Documentation	**Verbal Report**	**Observation**
IEP team decisions/reasons	IEP Team Members	
Student IEPs	Special Education Adm.	

3. Each handicapped student participating in the statewide testing program is tested at his/her grade level. There is no out-of -level testing for use in the statewide data collection system. In addition, each special education student tested in the statewide program is tested without modifications, such as assistance in recording answers, a revised format, the use of auditory aids, etc.

Documentation	**Verbal Report**	**Observation**
Testing records	Staff who administer DEAP tests	

8. The building principal documents the exclusion according to procedures specified in the Delaware Educational Assessment Program publication District Test Coordinator's Manual of Guidelines and Instructions.

Documentation	**Verbal Report**	**Observation**
Testing records Individual student records	Building Principal	

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DELAWARE DEPARTMENT OF PUBLIC INSTRUCTION

Page ____ of ____

SEPTEMBER 30, SPECIAL EDUCATION UNIT AUDIT WORKSHEET
(A component of the Delaware Comprehensive Compliance Monitoring System)

DISTRICT ______________________________

SCHOOL ______________________________

SCHOOL REPRESENTATIVE ______________________________

AUDITORS ______________________________

DATE ______________________________

GRADE ENROLLMENT VALIDATION

Grade Level Checked ____
Number Reported ____
Number Documented ____
Discrepancy ____
Count Approved: Yes ____ / No ____
Count Correction: ____

IDENTIFICATION			EVALUATION		MULTIDISCIPLINARY TEAM INFO.			INDIVIDUALIZED EDUCATION PROGRAM PLAN ("✓" or "X")															
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

APPENDIX G

SEPT. 30 UNIT AUDIT

AUDITOR'S INSTRUCTIONS

AUDIT WORKSHEET

REPORT FORM

SEPTEMBER 30TH SPECIAL EDUCATION UNIT AUDITS

AUDITOR'S INSTRUCTION MANUAL

EXCEPTIONAL CHILDREN/SPECIAL PROGRAMS DIVISION
SEPTEMBER-OCTOBER, 1986

1381s

1986 SPECIAL EDUCATION UNIT AUDIT INSTRUCTIONS

1. AUDIT TEAM

Responsibility for conducting the September 30, Special Education Unit Audit shall rest with Audit Teams consisting of at least two persons appointed from DPI staff. One member of each team shall serve as Audit Team Leader. This person shall coordinate team activities in completing assigned audit tasks. The Audit Team Leaders are the first team names listed on the school audit schedules included in this document.

2. SAMPLE

A minimum of a 10% sample of special education September 30th unit enrollment records will be checked in each public school district. The unit audit will be so organized as to insure that a representative sample of schools and handicapped populations are sampled. For schools having a small handicapped population, the number checked may exceed the 10% target figure to assure adequate representation in the sample. Department of Public Instruction Audit Teams will visit at least one elementary and secondary school in each district. Schools not audited in 1985 will be considered a priority for the 1986 audit. A proportionately greater number of schools will be visited in the larger districts. The total number of special education students' records to be reviewed in each school will be based upon the September 30, 1985 enrollment report.

3. SEQUENCE OF AUDIT ACTIVITIES

Superintendents will have been advised as to when Department of Public Instruction Audit Teams will visit each district. This information will also be conveyed to local school district Special Education Supervisors and Directors.

Each Audit Team Leader will contact the LEA Special Education Supervisor as to the date, time of arrival, and schools to be visited two (2) working days prior to the scheduled team arrival. At this time, the LEA supervisor should be reminded to have available copies of school enrollment forms (2A, 2B, 3A and 3B) within each school to be visited. The LEA supervisor will specify who will accompany the Audit Team during the visitation. Upon arrival at each school, the team will be introduced to the building principal. The Audit Team Leader will briefly discuss those items to be checked, and will ask the building principal to identify that person assigned as the school representative.

In addition to requesting copies of school enrollment forms for September 30, 1986, also request to review the records of all full-time special education students for one grade level. If grade level enrollment exceeds 20 students, a sub-group of the grade may be used (i.e., all seventh-grade LD students). These records should be reflective of the data presented on enrollment forms.

The Audit Team will then select the pre-established number of special student records. Care should be taken to select records representative of the handicapping conditions served in each school building. The same should also include records from more than one teacher and/or classroom. The name and

BEST COPY AVAILABLE

handicapping condition of students having records found incomplete or deficient should be reported to the principal and documented on the reverse side of each audit worksheet. Deficiencies should be reported in a specific manner.

A. Evaluations

Each identified handicapped student's file should present documentation which verifies the presence of an (re)evaluation by appropriate specialists as per Section III.G of the Administrative Manual for Programs for Exceptional Children. Evaluations or re-evaluations should have been completed since October 1, 1983. The source of (re)evaluations should appear as follows:

Learning Disability - Psychologist
Social or Emotional Maladjustment - Psychologists or Psychiatrist
Mental Retardation - Psychologist
Other Handicapping Conditions - See Administrative Manual

In addition, those students identified as learning disabled since July 20, 1979, should present a file which contains the results of a multidisciplinary team evaluation in which the documentation supports the classification. Information included should represent the basis on which the determination was made to classify the child as learning disabled, and areas in which a severe discrepancy exists between achievement and ability in such areas as mathematics calculation, reading comprehension, oral expression, and written expression. The LD verification documentation must be updated at least every three years.

B. Individualized Education Program

Selected student IEPs are to be reviewed to insure that:

- The IEP has been written since October 1, 1985, and that staff is working between the dates for initiation of services and duration of services.
- The IEP contains present levels of educational performance as of the date the document was prepared.
- Special education and related services are specified on the IEP and that these services are being provided.
- Annual goals and instructional objectives are specified, and that instructional and related services staff verify that services listed are being provided.
- The IEP contains criteria and procedures for evaluating student progress, and that staff can demonstrate that student progress and achievement is being monitored.

C. Class Enrollment

Verify with classroom teacher and/or student schedule that full-time students are actually receiving 12.5 or more hours of special education instruction per week as reported on the school enrollment form.

All data should be compiled on the September 30, 1986 Special Education Unit Audit Worksheet. The school representative should be advised of any items not located so the auditors have complete current information on each student. At the completion of the audit visit, the school principal or designee should receive a debriefing on the audit findings. The debriefing is a time to obtain agreement on the findings of the audit team. Any additional information the principal wishes to present should be considered at this time. The audit team is not in a position to decertify students from the unit count, evaluate the quality of audit items, or include additional items to be audited. The names of any students whose record/programs were incomplete or deficient should be given to the principal. A xerox of the September 30 Unit Audit Worksheet may be made at the school and left along with the records examined.

4. AUDIT REPORTING

The Audit Team Leader will complete the summary report of findings for each district. This report, along with the audit worksheets, will be forwarded to Dr. Haltom within two days of completing the visitation. (See sample memorandum).

5. DAILY LOCATION

The Audit Team Leader will report expected locations to Mrs. Pat Bell between 8 and 9 a.m. each day.

6. 90% RULE

If less than 90% of the total aggregate items listed on the September 30 Unit Audit Worksheet are in compliance, the specific school building being audited will be scheduled for a re-audit, at which time 100% of the special education files will be examined.

1301s

SEPTEMBER 30, 1986 SPECIAL EDUCATION UNIT AUDIT

Team: P. Dee/G. Smith

Audit Date	District/School	Audit Number
Oct. 14 - Oct. 15	Lake Forest	37 Total
	1. Lake Forest High	1. 9
	2. Chipman Jr. High	2. 5
	3. East Elementary	3. 5
	4. North Elementary	4. 13
	5. South Elementary	5. 5
Oct. 21 - 23	Colonial School District	112 Total
	1. William Penn High School	1. 22
	2. Gunning Bedford Middle	2. 13
	3. George Read Jr. High	3. 6
	4. Carrie Downie Elementary	4. 5
	5. Colwyck Elementary	5. 5
	6. Pleasantville	6. 8
	7. Eisenberg Elementary	7. 7
	8. McCullough Elementary	8. 15
	9. Castle Hills Elementary	9. 10
	10. Wallace Wallin	10. 11
	11. Leach	11. 10
October 28	Delmar School District	5 Total
	1. Delmar Jr./Sr. High	1. 5
	Laurel School District	15 Total
	1. Laurel High School	1. 5
	2. Central Middle	2. 5
	3. North & West Elem.	3. 5

SEPTEMBER 30, 1986 SPECIAL EDUCATION UNIT AUDIT

Team: V. Lauer/W. Lybarger

Audit Date	District/School	Audit Number
October 16	Kent County Vo-Tech (ILC)	30 Total
	1. Kent Vo-Tech North	1. 30
October 30	Sussex Co. Vo-Tech (ILC)	30 Total
	1. Sussex Vo-Tech.	1. 30

SEPTEMBER 30, 1986 SPECIAL EDUCATION UNIT AUDIT

Team: V. Lauer/J. Cairns(/L. Huffman - Caesar Rodney only)

Audit Date	District/School	Audit Number
Oct. 14 - Oct. 15	Woodbridge School District	23 Total
	1. Woodbridge Jr./Sr. High	1. 12
	2. Woodbridge Elementary	2. 11
Oct. 21 - 23	Caesar Rodney District	66 Total
	1. Caesar Rodney Sr. High	1. 10
	2. Caesar Rodney Jr. High	2. 8
	3. Reily Brown Elementary	3. 8
	4. W.B. Simpson Elem. & ILC (4-6)	4. 10
	5. Welch Elem. & DAFB Jr. Hi.	5. 10
	6. Nellie Hughes Stokes Elem. & ILC (K-3)	6. 10
	7. John S. Charlton School	7. 10
Oct. 28 - 29	Indian River School District	49 Total
	1. Sussex Central Sr. High	1. 5
	2. Selbyville Middle	2. 10
	3. East Millsboro Elementary	3. 7
	4. Frankford Elementary	4. 10
	5. Howard T. Ennis	5. 17

SEPTEMBER 30, 1986 SPECIAL EDUCATION UNIT AUDIT

Team: (See Dates)

Audit Date	District/School	Audit Number
Oct. 14 - Oct. 15	Smyrna School District	29 Total
Team: E. Skinner/	1. Smyrna High School	1. 6
B. Floriani	2. Smyrna Middle School	2. 5
	3. Clayton Elementary	3. 5
	4. Smyrna Elementary & Early Childhood Ctr.	4. 8
	5. Smyrna North Elementary	5. 5
Oct. 21 - Oct. 23	Red Clay Consolidated	131 Total
Team: E. Skinner/	1. Dickinson High School	1. 20
B. Floriani	2. Alexis I. duPont Middle	2. 5
	3. Conrad Middle	3. 13
	4. Stanton Middle School	4. 6
	5. Mote Elementary	5. 5
	6. Highlands Elementary	6. 5
	7. Warner Elementary	7. 10
	8. Richardson Park Elementary	8. 10
	9. Richardson Park Learn. Ctr.	9. 37
	10. Meadowood	10. 10
	11. McKean High School	11. 10
Oct. 28 - 29	Milford School District	35 Total
Team: B. Floriani/	1. Milford High School	1. 8
C. Matthews/	2. Lakeview Middle School	2. 12
L. Huffman	3. Lakeview Elementary	3. 5
	4. Lulu Ross Elementary	4. 10

SEPTEMBER 30, 1986 SPECIAL EDUCATION UNIT AUDIT

Team: D. Patterson/J. Gervan

Audit Date	District/School	Audit Number
Oct. 14 - Oct. 15	Seaford School District	40 Total
	1. Seaford Sr. High School	1. 8
	2. Seaford Jr. High School	2. 10
	3. West Seaford Elementary	3. 5
	4. Seaford Central Elem. &	4. 7
	5. Seaford Kindergarten	5. 5
	6. Sussex OH	6. 5
Oct. 21 - 23	Capital School District	58 Total
	1. Dover High School	1. 12
	2. Central Middle School	2. 10
	3. Wm. Henry Middle School	3. 7
	4. East Elementary	4. 7
	5. Townsend Elementary	5. 5
	6. South Elementary	6. 5
	7. West Elementary	7. 6
	8. Kent County O.H.	8. 6
Oct. 28 - 29	Cape Henlopen District	41 Total
	1. Cape Henlopen High School	1. 5
	2. Lewes Jr. High School	2. 5
	3. Rehoboth Jr. High School	3. 5
	4. Savannah Road Elem.	4. 5
	5. Rehoboth Elem.- Both Sites	5. 6
	6. Kent/Sussex Consortium	6. 10
	7. Shields Elementary	7. 5

SEPTEMBER 30, 1986 SPECIAL EDUCATION UNIT AUDIT

Team: B. Humphreys/A. Fisher

Audit Date	District/School	Audit Number
Oct. 16 - Oct. 17	NCC Vo-Tech District	40 Total
	1. Delcastle/Marshallton	1. 30
	2. Hodgson Center	2. 10
Oct. 22 - Oct. 24	Christina School District	133 Total
	1. Christiana High School	1. 10
	2. Newark High School	2. 11
	3. Shue Middle School	3. 10
	4. Kirk Middle School	4. 10
	5. Bayard Elementary	5. 10
	6. Christiana/Salem	6. 5
	7. Douglass	7. 9
	8. Sterck School	8. 15
	9. McClary ILC	9. 17
	10. Medill ILC	10. 25
	11. Downes	11. 5
	12. Pulaski	12. 6

SEPTEMBER 30, 1986 SPECIAL EDUCATION UNIT AUDIT

Team: W. Lybarger/C. Matthews

Audit Date	District/School	Audit Number
Oct. 14 - Oct. 15	Appoquinimink School District	29 Total
	1. Middletown High School	1. 7
	2. Redding Middle School	2. 5
	3. Silver Lake Elementary	3. 7
	4. Townsend Elementary	4. 5
	5. Corbit Elementary	5 5
Oct. 21 - Oct. 23	Brandywine School District	101 Total
	1. Claymont High School	1. 10
	2. Brandywine High School	2. 9
	3. Burnett	3. 10
	4. Hanby Jr. High	4. 5
	5. Lombardy Elementary	5. 5
	6. Carrcroft Elementary	6. 5
	7. Darley Road Elementary	7. 5
	8. P.S. duPont Elementary	8. 7
	9. Harlan Elementary	9. 5
	10. Bush School	10. 10
	11. Springer ILC	11. 30

APPENDIX

1. COPY OF MEMO TO DISTRICT SUPERINTENDENTS
2. COPY OF MEMO REQUESTING STATE CARS
3. STUDENT ENROLLMENT FORMS (F.Y.I.)
4. UNIT AUDIT WORKSHEET
5. COPY OF SAMPLE AUDIT MEMO (FOR REPORTING RESULTS)

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September 8, 1986

MEMORANDUM

TO: Dr. Ronald Marcks, Supt.
[illegible] School District

FROM: Dr. Carl M. Hallcom, State Director
Exceptional Children/Special Programs Division

SUBJECT: SEPTEMBER 30TH SPECIAL EDUCATION UNIT AUDIT

The Department of Public Instruction will once again conduct an audit of your district's September 30, special education unit count. Department staff will verify the unit count for 1986 based upon an approximate 10% sample of student records. Planned dates for visitations are listed below. District Special Education Supervisors will receive a briefing during the September Statewide Special Education Supervisors' meeting.

The Audit Team Chairperson will contact your district's Special Education Supervisor two days prior to the audit visit to identify the specific schools to be audited. It is requested that (1) a district representative accompany the audit team, and (2) xerox copies be made of school enrollment forms 2A, 2B, 3A, and 3B at each school to be audited so that original documents might remain in the schools files.

District	Date(s)
[illegible]	October 14-15, 1986

CMH:jm
cc: Mr. Sidney B. Callison
[illegible]

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Exceptional Children/Special Programs Division
September 8, 1986

MEMORANDUM

TO: Scott Reihm

THROUGH: Dr. Carl M. Haltom
Mr. Sidney B. Collison

FROM: William M. Lybarger

SUBJECT: STATE CAR RESERVATIONS FOR SEPTEMBER 30 AUDITS

Will you please be so kind as to reserve the following State cars on the dates indicated so that staff from the Department of Public Instruction may conduct the annual September 30 Special Education Unit Audits. Your response to this request is appreciated.

Name	Dates	Districts
William Lybarger	Oct. 14-16 Oct. 21-23	Appoquinimink Brandywine
Peggy Dee	Oct. 14-16 Oct. 21-23 Oct. 28 Oct. 28	Lake Forest Colonial Delmar Laurel
Dee Patterson	Oct. 14-16 Oct. 21-23 Oct. 28-29	Seaford Capital Cape Henlopen
Vaughn Lauer	Oct. 14-16 Oct. 19 Oct. 21-23 Oct. 28-29 Oct. 30	Woodbridge Kent Co. Vo-Tech (O.D.) Caesar Rodney Indian River Sussex Co. Vo-Tech (O.D.)
Bennie Flanigan	Oct. 14-16 Oct. 21-23 Oct. 28-29	Smyrna Red Clay Consol. Milford
Barbara Humphreys	Oct. 16-17 Oct. 22-24	New Castle Co. Vo-Tech Christina

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DELAWARE DEPARTMENT OF PUBLIC INSTRUCTION

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SEPTEMBER 30, SPECIAL EDUCATION UNIT AUDIT WORKSHEET
(A component of the Delaware Comprehensive Compliance Monitoring System)

DISTRICT ______________________________
SCHOOL ______________________________
SCHOOL REPRESENTATIVE(S) ______________________________

AUDITORS ______________________________
DATE ______________________________

GRADE ENROLLMENT VALIDATION
Grade Level Checked ____
Number Reported ____
Number Documented ____
Discrepancy ____
Count Approved: Yes ______ / No ______
Count Correction: ____

IDENTIFICATION		EVALUATION		MULTIDISCIPLINARY TEAM INFO.				INDIVIDUALIZED EDUCATION PROGRAM PLAN ("✓" or "0")															
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

SAMPLE AUDIT MEMO

TO: Dr. Carl H. Haltom

THROUGH: Dr. Barbara E. Humphreys

FROM: Audit Team Chairperson

SUBJECT: SEPTEMBER 30TH AUDIT OF (NAME OF SCHOOL DISTRICT)

Attached please find the September 30, 1988 Special Education Unit Audit Worksheets for the (Name) school district. Any problems discovered are listed below.

1301s(12)
WML:de

APPENDIX H

INTERDEPARTMENT/AGENCY AGREEMENT

EXAMPLE:

COOPERATIVE AGREEEMNT BETWEEN THE DIVISION OF
EXCEPTIONAL CHILDREN/SPECIAL PROGRAMS AND THE DIVISION OF VOCATIONAL
EDUCATION, DEPARTMENT OF PUBLIC INSTRUCTION, AND THE DIVISION OF
VOCATIONAL REHABILITATION, DEPARTMENT OF LABOR

MAR 2 1987

COOPERATIVE AGREEMENT BETWEEN THE DIVISION OF EXCEPTIONAL CHILDREN/SPECIAL PROGRAMS AND THE DIVISION OF VOCATIONAL EDUCATION, DEPARTMENT OF PUBLIC INSTRUCTION, AND THE DIVISION OF VOCATIONAL REHABILITATION, DEPARTMENT OF LABOR

Preamble

This agreement is entered into by the Division of Exceptional Children/Special Programs, and the Division of Vocational Education, Department of Public Instruction; and the Division of Vocational Rehabilitation, Department of Labor for the purpose of improving the quality and coordination of services for youth with disabilities as they make the transition from school to work in Delaware. It is hereby agreed that the three Divisions are committed to cooperatively developing a comprehensive system of vocational training and services for youth with disabilities. This includes but is not limited to: Vocational assessment, career exploration, guidance and counseling, work adjustment, vocational training, work experience, job placement, and follow up. The involved agencies will work to ensure that youth who are disabled receive the services for which they are eligible as mandated under: 1.) P.L. 94-142-The Education for all Handicapped Children Act of 1974 (as amended P.L. 99-457), P.L. 98-524, The Carl Perkins Vocational Education Act; Section 504 of the Rehabilitation Act of 1973, P.L. 93-112 and 2.) that the rights of people with disabilities are protected in compliance with Section 504 of the Rehabilitation Act of 1973. Access to and transfer of student/client data will be carried out with the informed consent of the young person and/or their parent as appropriate.

Interagency Responsibilities

It is hereby agreed that the aforementioned Divisions shall jointly implement the following:

1. Support of a statewide interagency transition effort.
    a. Exchange of information that is relevant to effective interagency delivery of services during the transition years.
    b. Mutual identification, planning and funding of joint in-service training needs.
2. Development of comprehensive vocational assessment programs to meet the transitional planning needs of youth with disabilities and that meet the requirements of the participating agencies.
3. Work with local education agencies and regional DVR staff to implement working agreements at the local level.

4. Develop an interagency tracking system to provide feedback to the schools and to aid in effective long range planning for program improvement.

5. Identify other appropriate State agencies and initiate transition agreements with them.

Resources (including but not limited to funds and in-kind services) will be provided by the participating agencies to guarantee the successful implementation and maintenance of this agreement.

Responsibilities of Exceptional Children/Special Programs Division

1. Provide technical assistance to local education agencies for initiating and coordinating Transitional Planning for all special education students. This shall include:

    a. Information on diploma requirements, certificate of performance, eligibility to age 21 or graduation, vocational education options, post school options.

    b. Training on development of Transitional and Vocational components of the Individualized Education Program (IEP).

2. Provide technical assistance and inservice training to local education agencies in the development of expertise in vocational assessment, career guidance, and counseling for special education students in cooperation with the Vocational Education Division.

3. Provide technical assistance to improve coordination of services between special education, vocational education and vocational rehabilitation.

Responsibilities of Vocational Education Division

1. Provide technical assistance to local school districts and private/other public vocational training agencies to ensure the availability of, and access to, a continuum of vocational services for special education students. This continuum shall include but is not necessarily limited to:

    a. Regular vocational programs with no supportive services

    b. Regular vocational programs with supportive services.

    c. Special vocational programs in regular secondary schools.

    d. Self-contained vocational programs at special schools.

2. Provide technical assistance and inservice training to local school districts and private/other public vocational training agencies in the development of expertise in vocational assessment, and career guidance and counseling for special education students in cooperation with the Exceptional Children/Special Programs Division.

3. Provide training to vocational educators in the development of Individual Vocational Plans as part of a special education student's IEP in cooperation with the Exceptional Children/Special Programs Division.

4. Provide technical assistance to improve coordination of services between special education, vocational education and vocational rehabilitation.

Responsibilities of the Division of Vocational Rehabilitation

1. Ensure the provisions of an appropriate program of Vocational Rehabilitation services to eligible transitional special education youth.

    a. Review special education students with school staff to determine appropriate VR referrals.

    b. Review referral materials from the school and identify and arrange for additional diagnostic and evaluation information as needed.

    c. Provide counseling and guidance and develop an appropriate Individual Work Rehabilitation Plan (IWRP) for all eligible clients that will begin upon completion of school services.

2. Provide consultative services to assigned secondary schools and serve as a member of the school Transition Team.

3. Provide technical assistance to improve coordination of services between special education, vocational education and vocational rehabilitation.

This ongoing agreement is effective March 26, 1987 and may be terminated by any of the parties with 30 days written notice. This agreement will be reviewed annually by appropriate personnel from each agency and may be amended from time to time between annual reviews by written consent of all parties.

DEPARTMENT OF PUBLIC INSTRUCTION

William B Keene
Dr. William B. Keene
State Superintendent

Date: 3/26/87

Thomas M. Welch
Dr. Thomas Welch, Director
Vocational Education Division

Date: 3-26-87

Carl M. Halton
Dr. Carl Haltom, Director
Exceptional Children/
Special Programs Division

Date: 3/26/87

DEPARTMENT OF LABOR

Mathias Fallis
Honorable Mathias Fallis
Secretary

Date: 3/26/87

T Sokolowski
Mr. Tony Sokolowski, Director
Division of Vocational Rehabilitation

Date: 3/26/87

SEP/DAS October 1986

STATE PLAN CHECKLIST
FOR SEP REVIEW OF EHA-B STATE PLANS
FOR FY 1988-1990

State: Delaware	Reviewer:
Date Plan Received by Reviewer:	Date Review Completed:

Status of Plan (check one):

__________Acceptable as submitted (recommended for grant award)

__________Unacceptable (changes must be made before the grant award)

Summary (Provide a listing of any deficiencies):

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STATE PLAN CHECKLIST

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STATE PLAN CHECKLIST

Part I - Submission Statements and Certifications

	State Plan			State Standards				Notes
				Statutes		Regulations or Procedures?		
	Req.	Rr.	Page/Para.	Page/Cite	OK	Page/Cite	OK	
SUBMISSION STATEMENT								
i. The [illegible] Submission Statement is provided as part of this State Plan.	X		IV			Appl./Cert.		
ii. The Submission Statement is signed by the Chief State School Officer or person authorized to submit this plan.	X		IV			Appl./Cert.		
ASSURANCE STATEMENTS The following assurance statements are included: i. Consultation ([illegible])	X		V			Appl./Cert.		
ii. Other Federal funds ([illegible])	X		V			Appl./Cert.		
iii. Use of funds (commingling, etc.) ([illegible])	X		V			Appl./Cert.		
iv. Advisory Panel ([illegible])	X		V			Appl./Cert.		
GENERAL EDUCATION PROVISIONS - [illegible] is included.	X		VIII			Appl./Cert.		
CERTIFICATIONS REQUIRED BY EDGAR ([illegible]) A State shall include the following certifications in each State plan: i. Agency is eligible to submit	X		VIII			Appl./Cert.		
ii. Agency has authority for functions	X		VIII			Appl./Cert.		
iii. State legally may carry out each provision	X		VIII			Appl./Cert.		
iv. Plan consistent with State law	X		VIII			Appl./Cert.		
v. State officer has authority for funds	X		VIII			Appl./Cert.		
vi. State officer has authority to submit plan	X		VIII			Appl./Cert.		

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
xii. [illegible]	X		vii			Appl./Cert.		
xiii. [illegible]	X		vii			Appl./Cert.		
5. [illegible]								
a. [illegible]	X		viii			Appl./Cert.		
b. [illegible]	X		viii			Appl./Cert.		
6. [illegible] [illegible]			1e, 4					In process. See 1e and 4
a. [illegible]		X				–		
b. [illegible]		X				–		
c. [illegible]		X				–		
d. [illegible]		X				–		
e. [illegible]		X				–		
f. [illegible]		X				–		
g. [illegible]		X						3 sites scheduled for May 26, 27, 28, 1987.

PART II - Substantive Requirements

B. Right to Education Policy Statement 612(1)	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
a. Includes information showing the State policy which insures a right to free appropriate public education for all handicapped children.	X		1	Del.C. 14, §3120;		I.E.2. 9.1		
Policy includes statements that: (i) It applies to all public agencies in the State that provide education to handicapped children ([illegible]);	X		1	Del. C. 14, § 3120;		I.E.2. 9-1		
(ii) It includes all handicapped children as defined in P.L. 94-142 ([illegible]); and	X		2-5	Del. C. 14§3120		I.E.2. 9-1		
(iii) all handicapped children 3 through 21 have available a free appropriate public education [illegible].		X	6			-		See below
b. Includes a copy of each State law, court order, attorney general decision, and other State document which demonstrates that the State has established the required age range of 3 through 21 ([illegible]).		X	6			-		
c. If "No" is checked in a (iii) above and if the 3 through 21 age range is inconsistent with State law or practice, or the order of any court ([illegible]): (i) The exceptions to the 3 through 21 age range are described in detail ([illegible]); and	X		6-7					Narrative Response
(ii) Documentation of the exceptions is included: a) State law;	X		7-8	Del.C. 14, §3101(4) §1703(4-[illegible])				
b) Court Orders;		X				-		
c) Other documents, including statements of practice ([illegible]).		X				-		

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
4. The information provided to show that the State has in effect a policy which insures that all handicapped children have the right to a free appropriate public education includes copies of State statute, court order, Attorney General opinion, and other State documents which show the source of the policy (300.121(a) and (b)).	X		9	Del.C. §3120	14			
5. The definition of "handicapped children" has been revised by adding "or language" after "speech" so the definition now reads "speech or language impaired" children.	X		3			I.E.2.d.		

COMMENTS/PROBLEMS - ACTION

Approved as Submitted

Revisions Required

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
[illegible]. **Full Educational Opportunities Goal and Timelines [illegible]** Policies and procedures show that the State has a Full Educational Opportunities Goal for all handicapped children birth thru 21 established as required (300.123).	X		10-15			I.A.1-2 I.F.10, 14,15		
COMMENTS/PROBLEMS - ACTIONS Approved as Submitted Revisions Required								Completed Annually

Note: Data requirements for 300.120 - 300.126 are met through the submission of the annual Data Report.

II. Child Identification 612(2)(c)	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
1. Describes policies and procedures to insure identification, location, and evaluation of all handicapped children (300.128(a)(1)).	X		16-22			-		Narrative Response
a) Description includes: i) name of agency responsible for State-wide coordination of planning and implementing the child identification effort (300.128(b)(1));	X		16			-		Narrative Response
ii) list of other agencies participation in child identification (300.128(b)(2));	X		17			-		Narrative Response
iii) nature and extent of participation (300.128(b)(3)); and	X		17-19			-		Narrative Response
iv) each type of activity to be carried out during the period of the plan including the role of the coordinating agency (see (a)(i)), timelines, resources, and expected outcomes (300.128(b)(4)).	X		20-22			-		Table Response
2. Describes the methods used to determine which children are and are not receiving special education and related services (300.128(a), (3) and (b)(5)).	X		23			-		Narrative Response
3. Indicates Statewide implementation (300.128).	X		23-24			-		Narrative Response
COMMENT*/PROBLEMS - ACTION __________ __________ __________ __________ __________ Approved as Submitted Revisions Required								

IV. Individualized Education Program 612(4)

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
The State plan: 1. Includes information which shows that each public agency in the State maintains records of the IEPs for each handicapped child and establishes, reviews, and revises each program (300.130(a)). Included are State:	X		25			I.D.		Narrative Response
a) policy;	X		25			I.D		
b) statute; and	X		25			I.D.		
c) standards.	X		25			I.D.		
2. Includes information which shows that each public agency develops, implements, reviews and revises an IEP for each handicapped child (300.340 - 300.349).	X		25			I.D.1		
3. Includes information which shows that the SEA insures that: a) Each public agency develops and implements IEPs for each handicapped child (300.341(a)).	X		26			-		Narrative Response
IEPs are developed and implemented for children (i) Placed in or referred to a private school or facility by a public agency (300.341(b)(1)); and	X		26-27			I.D.11.a(1)		
(ii) Enrolled in a private school and receiving special education or related services from a public agency (300.341(b)(2)).	X		26-27			I.D.11.a(2)		
b) IEPs are in effect at the beginning of each school year (300.342(a)).	X		27			I.H.1.a.		
c) IEPs are in effect before special education and related services are provided to a child (300.342(b)(1)).	X		27			I.D.1.6		
d) IEPs are implemented as soon as possible following the IEP meetings (300.342(b)(2)).	X		27			-		Narrative Response
e) Each public agency is responsible for initiating and conducting meetings to develop, review and revise a child's IEP (300.343(a)).	X		28			I.D.3.		
f) Meetings are held within 30 calendar days of determination that a child needs special education and related services (300.343(c)).	X		28			I.D.1.a.		
g) A meeting to review and/or revise each IEP is held at least once each year (300.343(d)).	X		28			I.H.1.a.		

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
h) IEP meetings include: (i) A representative of the public agency, other than the child's teacher, qualified to provide, or supervise the provision of, special education (300.344(a)(1));	X		29-30			I.D.4.		
(ii) The child's teacher (300.344(a)(2));	X		29-30			I.D.4		
(iii) One or both of the child's parents (300.344(a)(3));	X		29-30			I.D.4.		
(iv) The child (when appropriate) 300.344(a)(4));	X		29-30			I.D.4.		
(v) Other individuals at the discretion of the parent or agency(300.344(a)(5)); and	X		29-30			I.D.4.		
(vi) For a child evaluated for the first time: a. A member of the evaluation team (300.344(b)(1)); or	X		29-30			I.D.4.		
b. A representative of the agency, the teacher, or some other person knowledgeable about the evaluation procedures used and the results (300.344(b)(2));	X		29-30			I.D.4.		
i) Parents are present or have the opportunity to participate in each IEP meeting (300.345(a)). Includes information to show:	X		31			I.D.6.a.		
(i) Notification is early enough to insure an opportunity to attend (300.345(a)(1));	X		31			I.D.6.a.		
(ii) The meeting is scheduled at a mutually agreed upon time and place (300.345(a)(2));	X		31			I.D.6.a.		

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
(iii) The notice indicates the purpose, time and location of the meeting and who will attend (300.345(b));	X		31			I.D.6.b		
(iv) Alternative methods including telephone calls are used to insure parent participation when parent cannot attend (300.345(c));	X		31			I.D.6.c		
(v) If parents cannot attend, records are kept of attempts to arrange mutually agreeable time and place, including records of telephone calls, correspondence and visits (300.345(d));	X		31			I.D.6.d		
(vi) Action is taken to insure parents understand the meeting (interpreters, native language) (300.345(e)); and	X		31			I.D.6.f		
(vii) Parents receive a copy of the IEP upon request (300.345(f)); and	X		31			I.D.6.g		
j) IEPs must include a statement of: (i) The child's present levels of educational performance (300.346(a));	X		32			I.D.2.a		
(ii) Annual goals (300.346(b));	X		32			I.D.2.b		
(iii) Short term instructional objectives (300.346(b));	X		32			I.D.2.b		
(iv) Specific special education and related services to be provided (300.346(c));	X		32			I.D.2.c		
(v) The extent to which the child will participate in regular education programs (300.346(c));	X		32			I.D.2.d		
(vi) Projected date of initiation and duration of services (300.346(d)); and	X		32			I.D.2.e		

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
(vii) Objective criteria, evaluation procedures, and schedules for determining at least on an annual basis if short term objectives are achieved (300.346(e)).	X		32			I.D.2.f		
k) The public agency will: (i) Initiate and conduct an IEP meeting before referring a child to or placing a child in a private school or facility (300.347(a)(1)); and	X		33			I.D.11.	(1	
(ii) Insure the attendance or participation in the meeting of a representative of the private school or facility (300.347(a)(2)).	X		33			I.D.11. (2)	.	
l) After the child is placed in the private school: (i) Meetings to review and revise the child's IEP may be conducted by the private school (300.347(b)(1)) (Note: See (iii) following);	X		34			I.D. 11.b(1)		
(ii) Parents and an agency representative must be involved in any decision about the IEP, and agree to any proposed changes before those changes are implemented (300.347(b)(2); and	X		34			I.D.11. (2)	b.	
(iii) Responsibility for compliance remains with the public agency and the State educational agency (300.347(c)).	X		35			I.D.11. b.(3)		
m) For a handicapped child enrolled in a private or parochial school, the public agency shall: (If the child receives services from a public agency) (i) Initiate and conduct meetings to develop, review, and revise an IEP for the child (300.348(a)); and	X		35			I.D.10.	a.	
(ii) Insure participation of the private school representative in these meetings (300.348(b)).	X		35			I.D.10	b.	

State Plan			State Standards				Notes
			Statutes		Regulation or Procedures*		
Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	

COMMENTS/PROBLEMS - ACTION

Approved as Submitted

Revisions Required

V. Procedural Safeguards 612(5)(A), (615) (617)	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
1. The plan includes procedural safeguards which insure that the requirements in 300.500 - 300.514 are met and implemented by each public agency (300.131, 300.501).		x	36-38			I.C.9.a.-e.		
2. Procedures for the provision of an independent educational evaluation include:	x		37-38			I.C.9.		
a) Each public agency shall provide to parents on request, information about where an independent evaluation may be obtained (300.503(a)(2);	x		37			I.C.9.a.		
b) Parents have the right to an independent evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency (300.503(b));	x.		37			I.C.9.b.		
c) Hearing rights for the agency to show its evaluation is appropriate (300.503(b));	x		37			I.C.9.b		
d) An independent evaluation obtained at private expense: (i) Must be considered with respect to the provision of FAPE (300.503 (c)(1)), and	x		38			I.C.9.c.(1)		
(ii) May be presented as evidence at a hearing (300.503(c)(2));	x		38			I.C.9.c(2)		
e) Provided at public expense if requested by a hearing officer (300.503(d)); and	x		38			I.C.9.d.		
f) Meets the same criteria used by the public agency when it initiates an evaluation (300.503(e)).	x		38			I.C.9.e.		
3. Written notice is given to parents a reasonable time before: a) The public agency proposes to initiate or change the identification, evaluation, or educational placement of a child or provision of FAPE to the child (300.504(a)(1)), or	x		39-40			I.B.4(1)		483
b) Refuses to take such action (300.504(a)(2))	x		40			I.B.4(2)		

	[illegible]			[illegible]				[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]								
[illegible]	[illegible]		[illegible]			[illegible]		
[illegible]	[illegible]		[illegible]			[illegible]		
[illegible]	[illegible]		[illegible]			[illegible]		
[illegible]	[illegible]		[illegible]			[illegible]		
[illegible]	[illegible]		[illegible]			[illegible]		
[illegible]	[illegible]		[illegible]			[illegible]		
[illegible]	[illegible]		[illegible]			[illegible]		
[illegible]	[illegible]		[illegible]			[illegible]		
[illegible]	[illegible]		[illegible]			[illegible]		
[illegible]	[illegible]		[illegible]			[illegible]		
[illegible]								
[illegible]	[illegible]		[illegible]			[illegible]		
[illegible]		[illegible]						
[illegible]								
[illegible]	[illegible]		[illegible]			[illegible]		

[illegible]

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
(c) [illegible]	+		[illegible]			[illegible]		
7. [illegible]	+		[illegible]			[illegible]		
(a) [illegible]	+		[illegible]			[illegible]		
(b) [illegible]	+		[illegible]			[illegible]		"...records...used by the agency under this part."
8. [illegible]	+		[illegible]			[illegible]		statement [illegible] is all inclusive. It does not limit who may initiate a public hearing.
(a) [illegible]			[illegible]			[illegible]		
(b) [illegible]	+		[illegible]			[illegible]		
(c) [illegible]	+		[illegible]			[illegible]		
(d) [illegible] (ii) [illegible] [illegible]	+		[illegible]			[illegible]		
(iii) [illegible]	+		[illegible]			[illegible]		
(iii) [illegible]	+		[illegible]					Statement [illegible] is interpreted to include school board officials.
(e) [illegible]	+		[illegible]			[illegible]		

	State Plan			State Standards				[illegible]
				Statutes		Regulation or Procedures		
	Yes	No	Page/Para.	Page/Line	OK	Page/Line	OK	
[illegible]								
(i) [illegible]	X		[illegible]			I.K.7.c.(1)		
(ii) [illegible]	X		[illegible]			I.K.7.c.(2)		
(iii) [illegible]	X		[illegible]			I.K.7.c.(3)(a)		
(iv) [illegible]	X		[illegible]			I.K.7.c.(4)		
(v) [illegible]	X		50			I.K.9.c.		
[illegible]	X		50			I.K.7.d.		
[illegible]			N/A			--		
[illegible]			N/A			--		
[illegible]			N/A			--		
(i) [illegible]			N/A			--		
(ii) [illegible]			N/A			--		
(iii) [illegible]			N/A			--		
(iv) [illegible]			N/A			--		
(v) [illegible]			N/A			--		

[illegible]

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]			N/A			--		
[illegible]			N/A			--		
[illegible]	X		50			1.K.10.[illegible]		
[illegible]								
[illegible]	X		50			1.K.9.a.		
[illegible]			N/A					
[illegible]	X		49			1.K.7.b.		
[illegible]								
[illegible]	X		51			1.K.12.b.		
[illegible]	X		52			1.K.12.e.		
[illegible]	X		58			1.J.		[illegible]
[illegible]								
[illegible]	X		58			1.J.1.		

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Sect.	Page/Cite	OK	Page/Cite	OK	
(ii) A method for assigning a surrogate parent (300.514(b)(2));	✓		57			1.2.4.b		
(iii) Criteria for selection of surrogates which insure the surrogate (300.514(c)(1)): (A) Has no conflict of interest (300.514 (c)(1)(i));	✓		56			1.2.2.b (5)		
(B) Has knowledge and skills to represent the child (300.514(c)(1)(ii)); and	✓		57-58			1.2.5.a		
(C) Is not an employee of the public agency involved in the education or care of the child* (300.514(d)); and	✓		56			1.2.2.b (4)		
(iv) The surrogate may represent the child in all matters relating to the identification, evaluation, and educational placement of the child and provision of FAPE (300.514(e)).	✓		57			1.2.5.a		

COMMENTS/REMARKS : [illegible]

Approved as Submitted

Revisions Required

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* A person is not an employee of the agency solely because he/she is paid to serve as surrogate parent.

[illegible]

[illegible]. Least Restrictive Environment 612(5)(B)	State Plan			State Standards				Notes
	Yes	No	Page/Para.	Statutes Page/Cite	OK	Regulation or Procedures* Page/Cite	OK	
a. [illegible]	x		60			1.F.1.		
b. [illegible]	x		60			1.F.1.		
1) [illegible]	x		60			1.F.1.a (1)		
2) [illegible]	x		60			1.F.1.a (2)		
c. [illegible]	x		61-65			1.F.3-5		
d. [illegible]	x		65-66			1.F.16-17		
e. [illegible]	x		66-67			1.F.3		
f. [illegible]	x		67					Narrative Response
1) [illegible]								
2) [illegible]	x		67					

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	CW	Page/Cite	CW	
7. The SEA insures that each handicapped child's educational placement is:								
a) individually determined (300.552(a)(1));	X		68			I.F.7.		
b) determined at least annually (300.552(a)(1));	X		68-69			I.F.7.		
c) based on his/her IEP (300.552(a)(2)); and	X		68			I.F.7.		
d) as close as possible to the child's home (300.552(a)(3));	X		69			I.F.8.		
8. The alternative placements in 300.551 are available to the extent necessary to implement the IEP program for each handicapped child (300.552(b)).	X		69-70			I.F.3,5.		
9. Each public agency insures that, except where the child's IEP calls for some other arrangement, the child shall be educated in the school which he/she would normally attend if not handicapped (300.552(c)).	X		70			I.F.8.6.		
10. Each public agency insures that in selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or the quality of services he/she receives (300.552(d)).	X		70			I.F.11.		
11. The SEA has provided data in Table II of the Annual Data Report consistent with the requirement of [illegible].	X		71					Narrative Response

COMMENTS/DISCUSSION - ACTION

Approved as Submitted

Revisions Required

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II. Protection in Evaluation Procedures 612(5)(C)

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	CR	Page/Cite	CR	
The State Plan: 1. Includes procedures which insure that the requirements of 300.530 - 300.534 are established and implemented by each public agency [300.530(a)].	X		72-79b.			I.C., I.D, I.F.		
2. Includes procedures used by the SEA to insure that testing and evaluation materials and procedures for evaluation and placement of handicapped children must be selected and administered so as not to be racially or culturally discriminatory [300.530(b)].	X		72			I.C.6.		
3. Requires that, prior to any action regarding initial placement of a handicapped child in a special education program, a full and individual evaluation of the child's educational needs must be conducted according to the evaluation procedures in 300.532 [300.531].	X		73			I.C.5		
4. Requires that State and local agencies insure, at a minimum, that: a) Evaluations must be made by a multidisciplinary team or group of persons including one expert in the area of suspected disability [300.532(e)];	X		74			I.C.3.		
b) The child is assessed in all areas related to the suspected disability [300.532(f)];	X		74			I.C.5.b		
c) No single procedure is the sole criterion for determining an appropriate educational program [300.532(d)];	X		75			I.C.2.a		
d) Tests and other evaluation materials are provided and administered in the child's native language, or other mode of communication, unless clearly not feasible [300.532(a)(1)];	X		75			I.C.6.b		
e) Evaluation materials have been validated for the purpose for which they are used [300.532(a)(2)];	X		75			I.C.2.a		473
f) Evaluation materials are administered by trained personnel in conformance with instructions provided by their producer [300.532(a)(3)];	X		76			I.C.2.c		

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
g) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely a single general IQ (300.532(b)); and	X		76			I.C.2.b		
h) Evaluation materials are selected and administered to a child with impaired sensory, manual, or speaking skills must yield results which accurately reflect the child's aptitude or achievement level or other factors they purport to measure (300.532(c)).	X		77			I.C.6.c		
7. In interpreting evaluation data and making placement decisions, the SEA requires that each public agency must: a) Draw information from a variety of sources including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior (300.533(a)(1));	X		77			I.C.7.b		
b) Insure that information from all sources is to be considered in the placement decision (300.533(a)(2));	X		77			I.C.7.c		
c) Insure that information obtained from all sources is to be documented (300.533(a)(2));	X		77			I.C.7.c		
d) Insure that the placement decision is made by a group of persons including those knowledgeable about the child, the meaning of the evaluation data, and the placement options (300.533(a)(3)); and	X		78			I.D.4.		
e) Insure that the placement decision is made in conformity with the least restrictive environment rules in sections 300.550-300.554 (300.533(a)(4)).	X		79			I.F.1.a		
8. Procedures must show that if a determination is made that the child needs special education and related services, an IEP must be developed for the child, according to the requirements of sections 300.340-300.349 (300.533(b)).	X		79			I.D.1.		

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
9. The SEA must insure that each public agency: a) Reviews each child's IEP, in accordance with 300.340-300.349 [300.534(a)] and	X		79-a			I.H.1.		
b) Conducts an evaluation of the child according to 300.532, every three (3) years, or more frequently if conditions warrant or if a child's parents or teacher makes such a request [300.534(b)].	X		79-b.			I.C.8.a		
COMMENTS/CONCLUSIONS - ACTION								
Approved as Submitted Revisions Required								

VIII. Comprehensive System of Personnel Development 613(a)(3)	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
NOTE: Section 300.380 (Scope of System) of the Part B regulations describes the general requirement for the comprehensive system of personnel development which was adopted directly from the Statute. By addressing the requirements of 300.381-300.387, the SEA will also meet the broadly stated requirements in 300.380.								
1. Input and Implementation (Description of process to insure participatory planning and the results of the process i.e., the nature and extent of broad-based participation in the development, review, and annual updating of the CSPD)								
i) The plan describes how input from all public and private IHEs, other agencies and organizations and representatives of parents and handicapped organizations has been obtained (300.381(a) and (b). The description indicates: a) Participation;	X		80			I.0.8.b.		
b) review; and	X		82			I.0.8.b.		
c) annual updating.	X		81-3			I.0.8.b.		
ii) The responsibilities of SEA's, LEA's, public and private IHE's and other agencies related to the development of the CSPD are described (300.381(b)) (Note: A simple matrix or table with some narrative could convey the various responsibilities of the SEA, LEAs and IHEs):	X		81			I.0.8.a.		
a) relating to inservice; and	X		81			I.0.8.a.1.		
b) relating to preservice.		X						
2. Needs Assessment						I.0.8.b.1.		
i) An annual needs assessment has been conducted (300.382(b) + 300.382(b)(1));	X		83					
ii) The needs assessment process is described (300.382(f));	X		83			-		Narrative Response
iii) The needs assessment includes: a) The number of qualified personnel available (Check annual data report for these data.);	X		D.3			-		See Annual Data Report.

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
b) The number of new personnel needed. (Check annual data report for this data.)	X		88			-		See Annual Data Report, Part I, Table 2.
c) The number of personnel requiring retraining (300.382(c));	X		88			-		
d) The content areas in which training is needed (300.382(f)(2)); and	X		90-91			I.O.8.b.2.		
e) The groups requiring training such as* special teachers, regular teachers, administrators, psychologists, speech-language pathologists, audiologists, physical education teachers, therapeutic recreation specialists, physical therapists, occupational therapists, medical personnel, parents, volunteers, hearing officers and surrogate parents). (300.382(f)(3))*	X		91-92			I.O.8.a.1.		
3. Inservice (The purpose of this section is to describe the specific plan for inservice based on the needs assessment.) i) The Personnel Development Plan must provide a structure for personnel planning focusing on inservice needs (300.382(a));	X		90-91			I.O.8.a.1.		
ii) The Personnel Development Plan describes the results of the annual needs assessment (300a.383(b));	X		90-91			-		Narrative Response
a). needed areas of inservice training; and	X		90-91			-		
b). assigning priorities to those areas;	X		90-91			-		

* Note: The terminology "such as" here and elsewhere in this document, is exemplary. Not all groups listed need be included to indicate compliance. The plan for training should be congruent with the needs assessment.

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	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
iii) The Personnel Development Plan identifies target populations for inservice training including general education and special education instructional and administrative personnel, support personnel and other personnel (such as paraprofessionals, parents, surrogate parents and volunteers) (300.383(c))	X		90-91					Narrative Response
v) The content and nature of the training are described such as individualized education programs, non-discriminatory testing, least restrictive environment, procedural safeguards, and surrogate parents (300.382(f)(2) and (f)(4));	X		90-91, Appendix A					
vi) The trainers are described for the various inservice programs (300.382(f)(5)(ii); 300.382(d) and (e)); a) IHE's	X		Appendix E					
b) SEA's	X		Appendix E					Narrative Response
c) LEA's	X		Appendix E					
d) non-agency	X		Appendix E					
vii) Funding sources for the various inservice programs are specified (300.382(f)(b)(i)) and (300.382(e));	X		92-93					
viii) The time frame for the various inservice programs are specified (300.382(f)(6)(ii)) and (300.382(e));	X		92-93					
ix) The SEA insures the use of incentives which insure participation by teachers such as released time, payment for participation, options for academic credit, salary step credit, certification renewal, and updating professional skills (300.382)e));	X		92-93					
x) The SEA insures the involvement of local staff (300.382(e) and (e)(3)); and	X		92-93					

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
xi) The SEA insures the use of innovative practices which have been found to be effective. (300.382(e)(3))	X		93			-		Narrative Response
4. Preservice **i) The Personnel Development Plan must provide a structure for personnel planning focusing on preservice needs (300.383(a)).**		X				-		IHE's have not responded to invitations to address preservice needs.
ii) The Personnel Development Plan describes the results of the annual needs assessment (300.383): a. needed areas of preservice training are described; and		X						IHE's have not responded to invitations to address preservice needs.
b) areas of preservice training are described in order of priority; and		X						
iii) The personnel Development Plan identifies target populations for preservice training, including general education and special education instructional and administrative personnel, and other personnel (such as paraprofessionals, parents, surrogate parents and volunteers (300.383(c)).	X							Educational Surrogate Parent Training Needs have been and continue to be addressed by SEA.
5. Dissemination and Adoption **The Plan provides:** **i) A description of the SEA's procedures for acquiring significant information and promising practices derived from (300.384(a)):** **a) educational research;**	X		93			I.0.8.9	3.	
b) demonstration projects; and	X		93			I.0.8.9	3.	
c) other projects;	X		93			I.0.8.9	3.	
ii) A description of the SEA's procedures for reviewing significant information derived from (300.384(a)): **a) educational research;**		X		478				Current practice unknown due to major personnel changes.

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	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
b) demonstration projects; and		X				-		
c) other projects;		X				-		
iii) A description of the SEA's procedures for disseminating the reviewed information to (300.384(a)): a) general educators;	X		94			I.0.8.a.	3.	
b) special education instructional personnel;	X		94			I.0.8.a.	3.	
c) support personnel;	X		94			I.0.8.a.	3.	
d) administrators;	X		94			I.0.8.a.	3.	
e) interested agencies; and	X		94			I.0.8.a.	3.	
f) interested organizations;	X		94			I.0.8.a.	3.	
iv) Dissemination includes making those personnel, administrators, agencies, and organizations, aware of information and practices (300.384(b)(1));	X		94			I.0.8.a	3.	
v) Dissemination includes training designed to enable the establishment of innovative programs (300.384(b)(2));	X		94			I.0.8.a	3.	
vi) Dissemination includes use of instructional materials and other media for (300.384(b)(3)): a) personnel development; and	X		94			I.0.8.a	3.	
b) instructional programming;	X		94			I.0.8.a	3.	
vii) The plan: 1) provides for a Statewide system designed to adopt, where appropriate, promising educational practices and materials proven effective through research and demonstration (300.385(a));	X		94			-		Project IDEA addresses best practice; research is not systematically reviewed. Requirements set forth in 34 CFR 300.385 a-c to be addressed during 1987-88.
b) provides for thorough reassessment of educational practices used in the State (300.385(b)); and		X				-		

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
c) must provide for the identification of resources which will assist in meeting the State's personnel preparation need (300.385(c));		X				-		Project IDEA addresses best practice; research is not systematically reviewed. Requirements set forth in 34 CFR 300.385 a-c to be addressed during 1987-88.
1) State resources: a) human resources; and		X				-		
b) material;		X				-		
2) local resources: a) human resources; and		X				-		
b) material;		X				-		
3) regional resources: a) human resources; and	X		94			-		Narrative Response
b) material.	X					-		
6. Technical Assistance Includes a description of technical assistance the SEA provides to LEA's in their implementation of the State's CSPD (300.387).	X		92			I.O.8.a.1.		

COMMENTS/PROBLEMS - ACTIONS:

Approved as Submitted Revisions Required

IX. Participation of Private School Children 613(a)(4)(A)	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
The State plan includes policies and procedures which insure (300.140): 1. Each LEA provides special education and related services to meet the needs of private school children in its jurisdiction (300.452(a)).	X		98			I.0.2.		
2. To the extent consistent with their number and location in the State, provision is made for participation of private school handicapped children in the program assisted or carried out under this part by providing them with special education and related services (300.451(a))	X		98			I.0.2		
Responsibility of a State and a Subgrantee 3. The SEA is responsible for ensuring the following (76.651): a. A subgrantee (LEA, IEU) shall provide students enrolled in private schools with genuine opportunity for equitable participation in accordance with the requirements in Sections 76.652-76.662 and in the authorizing statute and implementing regulations for a program (76.651(a)(1))	X		99-100					Narrative Response
b. The subgrantee shall provide that opportunity to participate in a manner that is consistent with the number of eligible private school students and their needs (76.651(a)(2)); and	X		99-100					Narrative Response
c. The subgrantee shall maintain continuing administrative direction and control over funds and property that benefit students enrolled in private schools (76.651(a)(3));	X		99-100					Narrative REsponse
d. A State shall ensure that each subgrantee complies with the requirements in 76.651-76.662 (76.651(b)(1));	X		100					Narrative Response (See Appendix F)

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
e. If a State carries out a project directly, it shall comply with the requirements as if it were a subgrantee (76.650(b)(2)).	X		100					Narrative Response
Consultation with Representatives of Private School Students The SEA ensures: 4. An applicant for a subgrant shall consult with appropriate representatives of students enrolled in private schools during all phases of the development and design of the project covered by the application, including consideration of (76.652(a)):	X		100					Narrative Response
a. Which children will receive benefits under the project;	X		101					
b. How the children's needs will be identified;	X		101					
c. What benefits will be provided;	X		101					
d. How the benefits will be provided; and	X		101					
e. How the project will be evaluated.	X		101					
5. A subgrantee shall consult with appropriate representatives of students enrolled in private schools before the subgrantee makes any decision that affects the opportunities of those students to participate in the project (76.652(b)).	X		101					Narrative Response
6. The applicant or subgrantee shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in section 76.652 (76.652(c)).	X		101					Narrative Response
Needs, Number of Students, Types of Services The SEA ensures: 7. A subgrantee shall determine the following matters on a basis comparable to that used by the subgrantee in providing for participation of public school students (76.653): a. The needs of students enrolled in private schools;	X		102					Narrative Response

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
b. The number of those students who will participate in a project; and	X		102					Narrative Response
c. The benefits that the subgrantee will provide under the program to those students.	X		102					
Benefits for Private School Students The SEA ensures: 8. The program benefits that a subgrantee provides for students enrolled in private schools must be comparable in quality, scope, and opportunity for participation to the program benefits that the subgrantee provides for students enrolled in public schools (76.654(a));	X		106					Narrative Response
9. If a subgrantee uses funds under a program for public school students in a particular attendance area, or grade or age level, the subgrantee shall insure equitable opportunities for participation by students enrolled in private schools who (76.654(b)): a. Have the same needs as public school students to be served; and	X		106					Narrative Response
b. Are in that group, attendance area, or age or grade level.	X		106					
10. If the needs of students enrolled in private schools are different from the needs of students enrolled in public schools, a subgrantee shall provide program benefits for the private school students that are different from the benefits the subgrantee provides for the public school students (76.654(c)).	X		106					Narrative Response
Level of Expenditure The SEA ensures: 11. Subject to item 13 of this checklist, a subgrantee shall spend the same average amount of program funds on (76.655(a)): a. A student enrolled in a private school who receives benefits under the program; and	X		106					Narrative Response

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
b. A student enrolled in public school who receives benefits under the program.	X		106					Narrative Response
12. The subgrantee shall spend a different average amount on program benefits for students enrolled in private schools if the average cost of meeting the needs of those students is different from the average cost of meeting the needs of students enrolled in public schools (76.655(b)).	X		106					Narrative Response
Information in an Application for a Subgrant. The SEA ensures: 13. An applicant for a subgrant shall include the following information in its application (76.656): a. A description of how the applicant will meet the Federal requirements for participation of students enrolled in private schools;	X		107					Narrative Response
b. The number of students enrolled in private schools who have been identified as eligible to benefits under the program	X		107					
c. The number of students enrolled in private schools who will receive benefits under the program	X		107					
d. The basis the applicant used to select the students;	X		107					
e. The manner and extent to which the applicant complied with section 76.652 (consultation);	X		107					
f. The places and times that the students will receive benefits under the program; and	X		107					
g. The differences, if any, between the program benefits the applicant will provide to public and private school students, and the reasons for the differences.	X		107					

Separate Classes Prohibited.

The SEA ensures:

14. A subgrantee may not use program funds for

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
classes that are organized separately on the basis of school enrollment or religion of the students if (76.657): a. The classes are at the same site;	X		106					Narrative Response
b. The classes include students enrolled in public schools and students enrolled in private schools;	X		106					Narrative Response
Funds Not to Benefit a Private School The SEA ensures: 15. A subgrantee may not use program funds to finance the existing level of instruction in a private school or to otherwise benefit the private school (76.658(a)).	X		106					Narrative Response
16. The subgrantee shall use program funds to meet specific needs of students enrolled in private schools, rather than (76.658(b)): a. The needs of a private school, or	X		106					Narrative Response
b. The general needs of the students enrolled in a private school.	X		106					
Use of Public School Personnel The SEA ensures: 17. A subgrantee may use program funds to make public personnel available in other than public facilities (76.659): a. To the extent necessary to provide equitable program benefits designed for students enrolled in private schools; and	X		106					Narrative Response
b. If those benefits are not normally provided by the private school;	X		106					

Use of Private School Personnel

The SEA ensures:

18. A subgrantee may use program funds to pay for the services of an employee of a private school if (76.660):

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
a. The employee performs the services outside of his or her regular hours of duty; and	X		106					Narrative Response
b. The employee performs the services under public supervision and control;	X		106					
Equipment and Supplies The SEA ensures: 19. A public agency must keep title to and exercise continuing administrative control of all equipment and supplies that the subgrantee acquires with program funds. This public agency is usually the subgrantee (76.661(a)).	X							Narrative Response
20. The subgrantee may place equipment and supplies in a private school for the period of time needed for the project (76.661(b)).	X		106					Narrative Response
21. The subgrantee shall insure that the equipment or supplies placed in a private school (76.661(c)): a. Are used only for the purposes of the project, and	X		106					Narrative Response
b. Can be removed from the private school without remodeling the private school facilities;	X		106					
22. The subgrantee shall remove equipment or supplies from a private school if (76.661(d)): a. The equipment and supplies are no longer needed for the purposes of the project, or,	X		106					Narrative Response
b. Removal is necessary to avoid use of the equipment or supplies for other than project purposes.	X		106					
Construction The SEA ensures: 23. A subgrantee shall insure that program funds are not used for the construction of private school facilities (76.662).	X		106					Narrative Response

(COMMENTS/PROBLEMS - ACTIONS):

Approved as Submitted Revisions Required

X. Placement of Private Schools 613(a)(4)(B)

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
1. The State's policies are included regarding the requirement that, if, handicapped children are placed in/referred to private schools/facilities by the SEA or LEA as a means of providing special education and related services, the State insures that such services are provided: i) in conformance with an IEP,	X		108-109			I,M,2. c.		
ii) at no cost to parents, and	X		108-109			I.M.2.c		
iii) in a school or facility which meets State education standards (300.401(a)).	X		108-109			I.M.2.c		
2. Policy states that if a handicapped child has available FAPE and the parents choose to place the child in a private school or facility, the agency is not required to pay for the child's education at the private school or facility (300.403(a)).	X		109-110			I.M.6.b		
3. Policy includes a provision that if a parent and a public agency disagree about the availability of a program appropriate for a child (see item 2), the disagreement and question of financial responsibility is a matter subject to due process procedure (300.403(b)).	X		109-110			I.M.6.b		
4. Policy includes a provision that whenever a handicapped child is placed in a private school or facility by a public agency, the SEA will insure that the child has all the rights of a handicapped child served by a public agency (300.401(b)).	X		110			I.M.2.c (5)		
5. Policy includes a provision that each private school or facility to which a public agency has referred or placed a handicapped child receives a copy of State standards, and revisions as they occur (300.402(b)).	X		110			I.M.2.d (3)		
6. Policy includes a provision for private schools or facilities to which a public agency has referred or placed a handicapped child to have the opportunity to participate in the development and revision of standards relating to special education (300.402(c)).	X		111			I.M.2.d (4)		

COMMENTS/PROBLEMS - ACTIONS:

Approved as Submitted
Revisions Required

Recovery of Funds for Misclassified Children 613(a)(5)

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
he State's policies and procedures insure that he State seeks to recover any funds made available nder Part B for services to any child determined to e erroneously classified as eligible to be counted 300.141).	X		112-113					Narrative Response

NT/PROBLEMS - ACTION

oved as Submitted
sions Required

491

I. Notice and Opportunity for Hearing on LEA Application 613(a)(8)

The plan describes procedures to be used to insure the SEA does not take final action regarding any application submitted by an LEA before giving the LEA reasonable notice and opportunity for a hearing (300.148).

COMMENTS/PROBLEMS - ACTION ____________________

Approved as Submitted
Revisions Required

State Plan			State Standards				Notes
			Statutes		Regulation or Procedures*		
Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
x		114					Narrative Response

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
III. Annual Evaluation 613(a)(11)	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
The SEA has provided procedures to be used for evaluating, at least annually, the effectiveness of programs in meeting the educational needs of handicapped children, including the evaluation of IEPs (300.146, 76.101(e)(4), 76.772(2)).	X		115-116					Narrative Response

COMMENTS/FINDINGS - ACTION

Approved as Submitted
Revisions Required

493

Additional Requirements	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
A. Responsibility of SEA for All Education Programs 612(6)	X		117					Narrative Response
1. Include information which shows that the SEA is responsible for:								
(a) Insuring that each public agency in the State providing special education or related services meets the requirements established for this Act (300.600(a)(1)).								
(b) Insuring each educational program for handicapped children is under the general supervision of persons responsible for these education programs in the SEA (300.600(a)(2)(i));	X		117					
(c) Insuring that each education program meets SEA standards (300.600(a)(2)(ii));	X		117					
2. The plan includes a copy of each State statute, regulation, signed agreements or other documents which meet the requirements specified in item #1 (300.600(b));	X		118-132	Del. C. 31 3110		I.O.		

COMMENTS/PROBLEMS - ACTION

Approved as submitted.
Revisions required.

B. SEA Monitoring Procedures	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
1. In the general State application, the State educational agency assured (76.101(e)(3)): a. Monitoring of agencies, institutions, and organizations responsible for carrying out each program, and the enforcement of any obligations imposed on those agencies, institutions, and organizations under law (see also 76.772(a)); and	X		133-134					Narrative Response
b. The correction of deficiencies in program operations that are identified through monitoring.	X		133-134					
2. The plan provides descriptions of procedures to monitor and evaluate: a. The effectiveness of procedures undertaken to identify, locate and evaluate handicapped children (300.128(a)(5));	X		135					Narrative Response
b. Implementation of IEPs (300.130(b)(2));	X		135-138g					
c. Compliance with procedures for placing handicapped children in private schools (300.402(a)); and	X		135-138 g					
d. Placement of handicapped children to assure that the requirements of 300.550-300.555 are met (300.556). NOTE: Many States may submit a description of their complete monitoring process to meet this plan requirement. This is acceptable providing that it is clear that the requirements in #2 above are included.	X		135-138 g					

COMMENTS/PROBLEMS - ACTION ______________________

Approved as submitted.
Revisions required.

C. Policies and Procedures for Use of Part B Funds 613(a)(1)

Includes policies and procedures designed to insure that Part B funds are spent in accordance with provisions of the Act with particular attention given to sections 611(b), 611(c), 611(d), 612(2) and 612(3) of the Act (300.140);

State Plan			State Standards				Notes
			Statutes		Regulation or Procedures*		
Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
X		139-140					Narrative Response

COMMENTS/PROBLEMS - ACTION ____________________

Approved as Submitted
Revisions Required

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
D. Additional Information if SEA Provides Direct Services §13(b)	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
1. The SEA provides free appropriate public education for handicapped children or provides handicapped children with direct services (300.151).	X							Narrative Response
2. If #1 above is "Yes" go to #3. If #1 above is "No," skip and go to Part E.			N/A					
3. This section includes a description of the procedures used - when the State provides direct services - to insure that in meeting the full educational opportunity goal, the SEA provides for participation and consultation with parents or guardians of handicapped children (300.226).			N/A					
4. When the State educational agency provides direct services, the SEA has procedures to insure that, to the maximum extent practicable and consistent with sections 300.550-300.553, the agency provides special services to enable handicapped children to participate in regular educational programs (300.227).			N/A					
This part (#4 above) includes: (a) A description of the types of alternate placements available for handicapped children (300.227(b)(1)) and			N/A					
(b) The number of handicapped children within each disability category who are served in each type of placement (300.227(b)(2)).			N/A					
5. The application provides satisfactory assurance that: (a) The SEA does not use funds provided under Title VI, Part B to provide services to handicapped children unless the State uses State and local funds to provide services to handicapped children which, taken as a whole, are at least comparable to services provided to other handicapped children in the State, (300.231(b) and			N/A					
(b) The agency maintains records to show that this requirement is met (300.231(c)).			N/A					

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
6. The SEA develops an IEP which complies with the requirements of sections 300.340-300.349 for each handicapped child for whom the agency provides direct services (300.235).			N/A					
7. If the SEA arranges for these services through LEAs, other agencies, etc., the agency or contractor delivering these services provides satisfactory assurance to the SEA that the requirements listed in this part (Section D) #1-6 are met.			N/A					

COMMENTS/PROBLEMS - ACTIONS

Approved as Submitted
Revisions Required

G. Implementation Procedures - SEA 612(6)	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
Describes the procedures the SEA follows to inform each public agency of its responsibility for insuring effective implementation of procedural safeguards for the handicapped children served by the public agency (300.136).	X		141-149			I.K.1-12		

ISSUES/PROBLEMS - ACTION

☐ Approved as Submitted
☐ Revisions Required

IV. Confidentiality 612 (2)(D)

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
1. Policy statement includes a provision that notice is given to parents about the requirements related to the identification, location, and evaluation of handicapped children under 300.128 which includes a) A description of the extent to which notice is given in native languages of population groups in the State (300.561(a)(1));	X		156-166					Narrative Response
b) A description of children on whom personally identifiable information is maintained (300.561(a)(2));	X		156-166					
c) The types of information sought (300.561(a)(2))	X		156-166					
d) The methods the State uses in gathering the information, including sources from whom information is gathered (300.561(a)(2));	X		156-166					
e) Uses made of the information (300.561(a)(2));	X		156-166					
f) A summary of policies and procedures which participating agencies must follow regarding storage, disclosure to third parties, retention and destruction of personally identifiable information (300.561(a)(3)); and	X		156-166					
g) A description of all the rights of parents and children regarding this information under section 438 of the General Education Provisions and Part 99 of this title (300.561(a)(4)).	X		156-166					
2. State policy includes a provision that before any major identification, location, or evaluation activity, a notice such as the one described in #1 appears through public media (300.561(b)).	X		156-166					Narrati ve Response

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
3. Policy includes a provision that each participating agency shall permit parents to inspect and review any educational records relating to their children which are:	X		156-166					Narrative Response
a) Collected;								Narrative Response
b) Maintained; or	X		156-166					Narrative Response
c) Used by the agency (300.562(a)).	X		156-166					
4. The right to inspect and review education records include:	X		156-166					Narrative Response
a) A provision that a participating agency responds to reasonable requests for explanations and interpretations of records (300.562(b)(1));								
b. A provision that the participating agency provides copies of records containing the information if failure to provide copies would effectively prevent the parent from exercising the right to inspect and review records; (300.562(b)(2))	X		156-166					Narrative Response
c. A provision that representatives of the parent have the right to inspect and review records (300.562(b)(3)); and	X		156-166					Narrative Response
d) A provision affording parents an opportunity to review all records related to the identification, evaluation and placement of a child and of the provision of FAPE (300.502).	X		156-166					Narrative Response
5. If a parent requests to inspect or review records (see #3 above), the agency [illegible]:	X		156-166					Narrative Response
a) Complies with the request before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the child; and								
b) Complies with the request within no more than 45 days (300.562(a)).	X		156-166					Narrative Response
6. The policy states that an agency may presume that the parent has the authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under State law governing such matters as guardianship, separation or divorce (300.562(c)).	X		156-166					Narrative Response

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
7. Policy requires that agencies keep a record of parties obtaining access to educational records collected, maintained, or used under this law, (except access by authorized employees of the agency and parents) (300.563).	X		156-166					Narrative Response
8. The record of access described in #7 above includes: a) Date access was given; and	X		156-166					Narrative Response
b) The purpose for which the party is authorized to use the records (300.563).	X		156-166					Narrative Response
9. Policy provides that parents have the right: a) To review and inspect only the information relating to their child; or	X		156-166					Narrative Response
b. To be informed of that specific information (300.564).	X		156-166					Narrative Response
10. Policy provides that agencies shall provide to parents upon request a list of the types and locations of education records collected, maintained or used by the agency (300.565).	X		156-166					Narrative Response
11. Policy provides that a participating agency: a) May charge a fee for copies of records if the fee does not effectively prevent the parents from exercising their right to inspect and review the records, but	X		156-166					Narrative Response
b) May not charge a fee to search for and retrieve information (300.566).	X		156-166					Narrative Response
12. If a parent feels that information in education records is inaccurate, misleading or violates the rights of the child, he/she may request that the participating agency amend the records (300.567(a)).	X		156-166					Narrative Response

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
13. If an agency receives a request of the nature described in #12 above, policy provides: a) The agency shall decide to amend the information in accordance with the request within a reasonable period of time or	x		156-166					Narrative Response
b) The agency may refuse to amend the information and inform the parent of refusal, and	x		156-166					Narrative Response
c) If the agency refuses to amend the information, the agency must advise the parent of his/her hearing rights (300.567(c)).	x		156-166					Narrative Response
14. Policy states that, upon request, the agency shall provide an opportunity for a hearing to challenge information in education records to insure that it is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child (300.568).	x		156-166					Narrative Response
15. If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing (300.569(a)).	x		156-166					Narrative Response
16. If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency (300.569(b)).	x		156-166					Narrative Response
17. Policy requires that any explanation placed in the records of the child: a) Be maintained by the agency as part of the record as long as the record or contested portion is maintained by the agency; and	x		156-166					Narrative Response

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	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
b) If the records of the child or the contested portion is disclosed by the agency to any party, the explanation must be disclosed to the party (300.569(c)).	X		156-166					Narrative Response
8. A hearing held under this part (see item 14) must be conducted according to the procedures under section 99.22 of this title (300.570).	X		156-166					Narrative Response
9. Policy provides that parental consent must be obtained before personally identifiable information is:	X		156-166					Narrative Response
a) Disclosed to anyone other than officials of participating agencies collecting or using this information (subject to 20 below) (300.571(a)(1)); and								
b) Used for any purpose other than meeting a requirement under this part (300.571(a)(2)).	X		156-166					Narrative Response
20. Subject to Part 99, an educational agency or institution may not release information from educational records to participating agencies without parental consent, unless otherwise authorized to do so (300.571(b)).	X		156-166					Narrative Response
21. Includes policies and procedures which are used in the event that a parent refuses to provide consent under this section (300.571(c)).	X		156-166					Narrative Response
22. Policy provides that each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages (300.572(a)).	X		156-166					Narrative Response
23. Policy provides that one official at each participating agency shall assume responsibility for insuring the confidentiality of any personally identifiable information (300.572(b)).	X		156-166					Narrative Response

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
. Policy requires that all persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under this part (300.572(c)).	X		156-166					Narrative Response
5. Policy provides that each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information (300.572(d)).	X		156-166					Narrative Response
6. Policy provides that the public agency shall inform parents when personally identifiable information collected, maintained or used under this section is no longer needed to provide educational services to the child (300.573(a)).	X		156-166					Narrative Response
7. Policy requires that information must be destroyed at the request of parents (except that the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation) (300.573(b)).	X		156-166					Narrative Response
. State policy and procedures include a description of the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of the disability (300.574).	X		156-166					Narrative Response
29. The State Plan describes the methods which the State uses to insure that its policies and procedures are followed and that the requirements of Part B and the Part B regulations are met (300.575).	X		156-166					Narrative Response

ENTS/PROCEDURES - ACTION

G. Description of Use of Part B Funds (300.149)	State Plan ✓			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
I. State Allocations Information describing how the State will use Part B funds in fiscal years 1988, 1989 and 1990 is included as part of the State Plan.	X		167-174					Narrative Response
This description includes the following information on the State's allocations			167-169					Narrative Response
1. A list of each administrative position paid in whole or part with Part B funds a) FY 1988	X							
b) FY 1989		X						FY 89-90 - The positions are expected to remain constant.*
c) FY 1990		X						
2. A description of the duties of each person paid in whole or part with Part B funds (See item 1). a) FY 1988	X		167-169					Narrative Response FY 89-90 - The duties are expected to remain constant with some exceptions.*
b) FY 1989		X						
c) FY 1990		X						
3. For each State position, the percentage of salary paid with Part B funds. a) FY 1988	X		167-169					Narrative Response
b) FY 1989		X						FY 89-90 - The percentages of salaries paid from Part B funds are not constant from year to year.*
c) FY 1990		X						
4. A description of each administrative activity the State educational agency will carry out with Part B funds. a) FY 1988			169-173					Narrative Response
b) FY 1989								
c) FY 1990								

*These data to be provided with subsequent plan revisions.

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
5. A description of the direct and support services provided by the State with Part B funds. a) FY 1988	X		172-173					Narrative Response
b) FY 1989		X						FY 89-90*
c) FY 1990		X						
6. A description of the activities the State Advisory Panel will undertake using Part B funds. a) FY 1988	X		173					Narrative Response
b) FY 1989		X						FY 89-90*
c) FY 1990		X						
II. Local Educational Agency Allocations This description included the following information for the local education agency allocation:			173					Narrative Response
1. An estimate of the number and percentage of local educational agencies in the State which will receive an allocation under Part B (other than local educational agencies which submit a consolidated application). a) FY 1988	X							
b) FY 1989		X						FY 89-90*
c) FY 1990		X						
2. An estimate of the number of local educational agencies which will receive an allocation under a consolidated application. a) FY 1988	X		173					Narrative Response
b) FY 1989		X				5f8		FY 89-90*
c) FY 1990		X						

*These data to be provided with subsequent plan revisions.

	State Plan			State Standards				Notes
				Statutes		Regulation or Procedures*		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
3. An estimate of the number of consolidated applications.								Narrative Response
a) FY 1988	X							
b) FY 1989		X						FY 89-90*
c) FY 1990		X						
4. An estimate of the average number of local educational agencies per consolidated application.								Narrative Response
a) FY 1988	X							
b) FY 1989		X						FY 89-90*
c) FY 1990		X						
5. A description of direct services the State educational agency will provide under 300.360 of Part B.								Narrative Response
a) FY 1988	X							
b) FY 1989		X						FY 89-90*
c) FY 1990		X						

OMMENTS/PROBLEMS - ACTION ______________________

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evisions Required

*These data to be provided with subsequent plan revisions.

** TAB A **

CHECKLIST FOR AMENDMENTS TO EHA-B
1988 STATE PLANS
DIVISION OF ASSISTANCE TO STATES
OFFICE OF SPECIAL EDUCATION
U.S.DEPARTMENT OF EDUCATION

STATE PLAN AMENDMENT CHECKLIST	State Plan			State Standards				NOTES
				Statutes		Regulation or Procedures		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	
I. Interagency Agreements (Responsibility of SEA for All Education Programs Section XIV.A)	X		175-176, H 2-H 5			-		Narrative Response
1. The plan includes policies and procedures for developing and implementing interagency agreements between the SEA and other appropriate State and local agencies.								
2. The policies and procedures include a statement that: a. define the financial responsibility of each agency to provide FAPE to handicapped children	X		175			-		
b. include a mechanism for resolving interagency disputes.		X						Inadequate time to establish.
c. includes procedures under which LEAs may initiate proceedings to secure reimbursement from other agencies		X						
d. have implementation provisions.	X		175			-		
e. project, for at least FY 80, anticipated progress toward the achievement of the agreement(s) itself	X		175-176			-		
f. name what State and local agencies the SEA considers to be "appropriate" agencies with which to have interagency agreements.	X		175-176			-		
II. Personnel Standards (CSPD Section VIII)								
The plan includes policies and procedures relating to the establishment and maintenance of personnel standards adequate to ensure that personnel necessary to carry out the purpose of EHA-B are appropriately and adequately prepared and trained.	X		176			14 Del. C. § 1092, § 1201		Narrative Response
The policies and procedures must: a. provide for the establishment and maintenance of standards consistent with any State approved or recognized certification, licensing, registration, or other comparable requirements which apply to a professional or discipline-specific area in which an employee is to provide special education or related services.	X					14, Del. C. § 1092 § 1201		
b. include the steps to be taken by the State to require the retraining or hiring of personnel to meet appropriate professional requirements if the standards for the personnel carrying out the purposes of EHA-B are not based on the highest requirements in the State applicable to a specific profession or discipline.		X				-		
2. The plan includes a list of each professional and discipline area for all persons providing special education or related services.		X				-		

Page 3 - checklist - continued

	State Plan			State Standards				
				Statutes		Regulations or Procedures		
	Yes	No	Page/Para.	Page/Cite	OK	Page/Cite	OK	NOTES
III. Nonsupplanting (Assurance Page) The SEA has included the revised assurance statement on the assurance page.	X		v1, 177			-		Narrative Response
IV. Use of "20%" Direct and Support Service Funds (Report of How Part B Funds Will Be Used Section - State Allocations Portion) 1. The SEA has changed the use of the 20% Direct and Support Service funds.	X					-		Narrative Response
**If there has been no proposed change for the use of the 20% funds for the administrative costs of monitoring and complaint investigation, the remainder of this section need not be completed by the reviewer. 2. A statement of the level of costs for monitoring and complaint investigation for FY 85 has been included.	X					-		
3. The increase in the costs for monitoring and complaint investigation for FY 86 and the ensuing period of the plan must exceed those costs stated in item #2 above or those costs cannot be included under the 20% allocation.	X					-		
V. Reduction of Other Assistance (Assurance Page) 1. The SEA has used the language provided by OSEP for this requirement on the revised assurance page. [sic]	X		177					Narrative Response
2. The SEA has supplied language which meets the requirements in ____________ section of the plan.	-	-				-		
VI. Responsibilities of Other State Agencies (Responsibility of SEA for All Education Programs Section XIV.A) SEA-8 does not limit the responsibility of other State agencies other than educational agencies from providing or paying for some or all of the costs of FAPE.	-		177-178			14 Del. C. § 3120		Narrative Response

STATE OF DELAWARE

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THE TOWNSEND BUILDING
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ASSISTANT STATE SUPERINTENDENTS

July 7, 1987

MEMORANDUM

TO: Carolyn Smith, Div. of Assistance to States
USDE - Special Education Programs

FROM: William M. Lybarger, State Supervisor
Exceptional Children/Special Programs Division

SUBJECT: FY '88-90 STATE PLAN SUPPLEMENTAL DATA

Enclosed is supplemental material you requested by phone on 6/29/87, to clarify or augment Delaware's State Plan under EHA Part B for FY '88-90. The material has been arranged as attachments in the following order:

1. Monitoring Instrument and Related Material -
   These items are used in the Comprehensive Compliance Monitoring System.
   The monitoring instrument and related material are in draft form, currently being piloted. We expect a finished copy of the instrument, including "criteria of acceptability," to be available by December 31, 1987.

2. Copy of LEA, EHA-B Application as Documentation of Meeting Requirements to Serve Handicapped Students in Private Schools -
   The FY'88 Project Application for EHA-B funds addresses private school issues in pages 4, 8, 9, 17, and 18. It is anticipated that this application format will be used through 1990.

3. Comprehensive System of Personel Development Timelines and Activities -
   A narrative has been prepared in response to this request for more information regarding both preservice and inservice training. Included also are pamphlets addressing preservice training.

4. Description of the Use of Part B Funds -
   A narrative has been prepared in response to this request for more information regarding the omission of a description of the use of Part B funds for FY '89-90.

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SERVICES ON THE BASIS OF RACE, COLOR, NATIONAL

5. Comments from Public Hearings and Written Comments Regarding the FY '88-90 EHA-B State Plan -

   Attached are two sources of comment:

   a. Public Hearings - May 26, 1987 (only comments made): and
   b. Written Comments from the Governor's Advisory Council for Exceptional Citizens (GACEC).

   Delaware's response to the comments is attached. Written comments will be received through July 17; any comments received between now and then will be forwarded to OSEP on July 20.

6. Coordination of Early Childhood (3-5 years) Application and Related Activity -
   A narrative has been prepared in response to the request for additional information regarding the Early Childhood Application.

7. State Commitment to Least Restrictive Environment Activity -
   You requested documentation of the State's commitment to assuring LRE. Below are four areas of evidence of this:

   a. LRE is referenced in the Delaware Administrative Manual: Programs for Exceptional Children, pages 2 (pre-referral), 23 (I.F.a.), 28 (I.F.10), and 87 (I.O.5.a.((2)) and ((3)) addressing 34 CFR 300.556, responsibilities of the SEA.
   b. State initiatives in LRE include the piloting of reintegrating mildly and moderately handicapped students in the following schools/districts:

      1. Carrie Downie School - Red Clay
      2. Anna P. Mote School - Red Clay
      3. Downes Elementary School - Christina
      4. Team Approach to Mastery (Team Teaching) in three of nineteen districts, including Christina, Milford, and Smyrna.
      5. The Douglass School (a special school for moderately retarded students) is being closed by reintegrating students in regular schools throughout the district.
   c. Documentation of consideration of LRE is a major component of a generic IEP recommended to districts (See page 3, "III. Consideration of Continuum of Services," of the attached LRE Handout.
   d. A listing of inservice training sessions/workshops addressing LRE during the 1986-87 school year.
   e. A three-day Summer Institute dedicated to LRE issues is scheduled for August 12, 13, and 14, with participants from each district in attendance.

Hopefully, this supplemental material addresses your concerns adequately. If any of the material requires clarification or you have other questions, please call me at (302) 736-4667.

Thank you for your interest and assistance.

WML/de
2374s

ATTACHMENT 1

NOTE: Monitoring Instrument and Related Material obsolete. Replaced by supplemental material submitted to O.S.E.P. on 12/29/87, now in State Plan Body.

WML (1/13/88)

ATTACHMENT 2

FORM XPP-OE9025-R1078

DEPARTMENT OF PUBLIC INSTRUCTION
FEDERAL ASSISTANCE FOR THE EDUCATION OF HANDICAPPED CHILDREN UNDER ECIA Chapter I (H) & PL 94-142, Parts B & C
PART I - PROJECT APPROVAL, STATISTICAL DATA AND ABSTRACT

2a. (Part B EHA Only)
(Use Worksheet Page 13
Excess Cost
Minimum amount spent during first preceding fiscal year for the education of each handicapped child was ________.

1. STATE EDUCATIONAL AGENCY ACTION *(To be completed by State educational agency)*

STATE CODE (A)	STATE PROJECT NUMBER (B)	SEA CLASS (C)	DATE APPROVED (D) Month	Day	Year	AMOUNT APPROVED (E)	ALLOCATED FROM FEDERAL FY. (F)
						$	19____

2. MAINTENANCE OF FISCAL EFFORT

SECOND PRECEDING FISCAL YEAR (B)	FIRST PRECEDING FISCAL YEAR (C)
$	$

3. APPLICANT AGENCY

(a) NAME OF ADMINISTRATOR *(Last, first, middle initial)*

(b) NAME OF AGENCY

(c) NUMBER AND STREET

(d) CITY | (e) STATE | (f) ZIP CODE

(g) COUNTY

TELEPHONE | (h) AREA CODE | (i) NUMBER | (j) EXTENSION

(k) CONGRESSIONAL DISTRICT NUMBER → AL

4. PROJECT DIRECTOR

(a) NAME OF DIRECTOR *(Last, first, middle initial)*

(b) NAME OF SCHOOL OR BUSINESS

(c) NUMBER AND STREET

(d) CITY | (e) STATE | (f) ZIP CODE

(g) COUNTY

TELEPHONE | (h) AREA CODE | (i) NUMBER | (j) EXTENSION

5. PROJECT DURATION

(a) FROM Month	Day	Year	(b) TO Month	Day	Year

6. TITLE OF PROJECT *(Limit to 50 characters, including punctuation and spaces)*

7. LEGISLATIVE FUNDING AUTHORITY	CHECK ONE
(a) P.L. 89-313	
(b) PART B, EHA	
(c) PART C, EHA - D-B	
(d) PART C, EHA - ECE	
(e) PART G, EHA	
(f) OTHER *(Specify)*	

8. OTHER FUNDING SOURCES	
(a) Local	$
(b) State	
(c) Other Federal title *(Specify)*	
(1)	
(2)	
(3)	
(d) Other	
(e) TOTAL	$

9. TYPE OF FORM	CHECK ONE
(a) Application	
(b) Application Amendment	
(c) Report	
(d) Report Amendment	

10. (a) SIGNATURE OF AUTHORIZED OFFICIAL

(b) DATE

11. PROJECT PARTICIPANTS

TYPE OF ANDICAPPED CHILDREN SERVED	A. CHILDREN RECEIVING SERVICES						B. PROJ. PERSONNEL PD. FM. FED. FUNDS				C. PERSONNEL REC. TRNG. FM. FED. FUNDS				D. BUDGET BY TYPE OF HANDICAP	
	NUMBER OF CHILDREN SERVED						NUMBER OF PERSONNEL PAID				NUMBER OF PERSONNEL TRAINED					
	0-2 YEARS (a)	3-5 YEARS (b)	6-17 YEARS (c)	▨	18-20 (e)	TOTAL (f)	TEACHERS (g)	TEACH. AIDES (h)	OTHER PERS. (i)	TOTAL PERS. (j)	TEACHERS (k)	TEACH. AIDES (l)	OTHER PERS. (m)	TOTAL PERS. (n)	ALLOCATED (o)	EXPENDED (p)
(1) Trainable Mentally Retarded				▨												
(2) Educable Mentally Retarded				▨												
(3) Learning Disabled				▨												
(4) Emotionally Disturbed				▨												
(5) Other Health Impaired				▨												
(6) Crippled				▨												
(7) Visually Handicapped				▨												
(8) Deaf-blind				▨												
(9) Deaf				▨												
(10) Hard of Hearing				▨												
(11) Speech Impaired				▨												
(12) TOTAL				▨												

UNEXPENDED BALANCE $__________

E. MISCELLANEOUS

(1) Children age 6 and over participating in preschool activity		(5) Children enrolled in nonpublic schools		(9) Oriental children participating	
(2) Students participating in voc-ed activity in this project		(6) Additional children receiving only incidental service (not previously reported in this form)		(10) Spanish surname children participating	
(3) Severely handicapped children participating		(7) American Indian or Alaskan Native children participating		(11) Number of parents receiving direct services through project funds	
(4) Children from low-income famil[illegible] particapting		(8) Black children (not of Hispanic origin partic[illegible]ing			

Form XPP-OE9025-11/77

PROJECT ABSTRACT

ABSTRACT: Program Title ______________________________

A. Briefly provide a program abstract which includes:

1. Short narrative introduction
2. Statement of overall goal
3. Impact of project
4. Positions to be funded

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STATEMENT OF ASSURANCES

THE APPLICANT HEREBY ASSURES THE CHIEF STATE SCHOOL OFFICER THAT:

1. The control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such property and funds and apply them only for the purposes for which they are granted.

2. The applicant will make a project report within 90* days after the termination of the project in such form, and containing such information as may be necessary to enable the State Education Agency to perform its duties under this title, including information relating to the educational achievement of students participating in programs carried out under this title. The applicant will keep such records and afford such access thereto as the State Education Agency may find necessary to assure the correctness and verification of such reports.

3. The amount of non-federal funds expended for schools operated or supported by this agency will be maintained at the same level as they would have been maintained if no projects had been approved for these schools.

4. The applicant will, prior to starting the construction or letting any bids, submit to the State Education Agency all building plans and specifications for approval, and will award the construction contract within a reasonable period of time, which date shall in no event be later than June 30 of the following fiscal year.

5. The rates of pay for laborers and mechanics engaged in the construction shall not be less than the prevailing local wage rates for similar work as determined in accordance with Public Law Number 403 of the 74th Congress, approved August 30, 1935, as amended, under standards, regulations, and procedures prescribed by the Secretary of Labor.

6. The applicant will comply with the rules, regulations, and relevant orders of the Secretary of Labor, issued pursuant to Executive Order 11246 of September 24, 1965, in connection with any contract for construction for which it received federal assistance under Part B, EHA.

7. All contracts for construction shall be awarded to the lowest qualified bidder on the basis of open competitive bidding except where one or more items of construction are covered by an established alternate procedure, consistent with State and local laws and regulations, which is approved by the State Education Agency as designed to assure construction in an economical manner consistent with sound business practice.

8. The applicant assures that this project has been developed in coordination with other public and nonpublic programs for the education of handicapped children, or for similar purposes in the areas served by the applicant.

9. The applicant assures that it will, in the conduct of this program or project, coordinate its activities under the State plan with such other programs.

10. To the extent consistent with the number and location of handicapped children in the area served by the applicant agency who are enrolled in nonpublic elementary and secondary schools, provision has been made for participation by such children in programs and projects.

* 30 days for other public agencies.

11. The applicant assures that activities and services funded under EHA Part B are provided for handicapped children other than those in schools operated by a State agency which is directly responsible for providing their free public education, and those handicapped children who are in other schools for whom a State agency is directly responsible.

12. The applicant assures that the confidentiality of data gathered and maintained regarding handicapped children will be protected pursuant to the requirement of federal and State laws, rules, and regulations.

13. The applicant assures that units shall be used for the expressed purpose of programming for exceptional children in order to provide a full appropriate educational opportunity for each handicapped child, as specified under subpart Q in the Administrative Manual: Programs for Exceptional Children.

14. The applicant assures that no person shall be paid more out of federal funds than he would normally receive from State and local funds for a comparable position of responsibility in the district or agency operating the project. All persons will be employed in accordance with regulations of the State Board of Education.

15. The applicant assures compliance with Title IX of the Education Amendments of 1972 to the end that no person in the United States shall, on the basis of sex, be excluded from the participation in, be denied the benefits of, be denied employment in, or be subjected to discrimination under any education program or activity receiving federal financial assistance or which is administered or authorized by the State Board of Education.

16. The applicant assures compliance with all requirements contained in the Delaware State Plan under Part B of the Education of the Handicapped Act as amended by PL 94-142 for Fiscal Year 1988, as approved by the Delaware State Board of Education and the United States Department of Education.

I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, THE INFORMATION CONTAINED IN THIS APPLICATION IS CORRECT AND COMPLETE, AND THAT THE APPLICANT AGENCY HAS AUTHORIZED ME, AS ITS REPRESENTATIVE, TO GIVE THE ABOVE ASSURANCES AND TO FILE THIS APPLICATION.

Date	Signature of Chief School Officer
Date	Signature of Project Director

DEPARTMENT OF PUBLIC INSTRUCTION

PL 94-142 COMPLIANCE CHECKLIST

The ____ School District special education supervisor has reviewed district special education procedures in relation to the attached PL 94-142 compliance checklist for the identification, evaluation, and placement of handicapped children.

____
Name of Special Education Supervisor

____
Name of Chief School Officer - Date

INSTRUCTIONS: Complete each item on the PL 94-142 Compliance Checklist in relation to district procedures. Explain any items which are not in compliance. Three (3) copies of the complete checklist should be available for review by the on-site monitoring/evaluation team. Evidence of compliance should include reference to operational plans, project proposals and appropriate notices and forms.

PL 94-142 COMPLIANCE CHECKLIST

§121a.300-307 FREE APPROPRIATE PUBLIC EDUCATION	YES	NO	COMMENTS:
1. Is a free appropriate public education available in the district/agency to all handicapped children aged 3 through 21 years inclusive? (§121a.300)	___	___	
§121a.320-324 PRIORITIES IN THE USE OF PART B FUNDS			
1. Are the funds provided under Part B of the Act being used in the following order of priorities: (§121a.320)			
a. To provide free appropriate public education to first priority children, including identification, location and evaluation of first priority children.	___	___	
b. To provide free appropriate public education to second priority children, including identification, location and evaluation of second priority children.	___	___	
c. To meet other requirements in this part.	___	___	
§121a.340-349 INDIVIDUALIZED EDUCATION PROGRAMS			
1. Is an individualized education program in effect before special education and related services are provided to a child? (§121a.342(b)(1))	___	___	
2. For a child who is not receiving special education is an IEP meeting held within 30 calendar days of the determination that the child needs special education and related services? (§121a.343(c))	___	___	
3. Are meetings initiated and conducted to periodically (at least annually) review and, if appropriate, revise each child's individualized education program? (§121a.343(d))	___	___	
4. In meetings for the development or revision of the IEP(s), are the following persons included?: (§121a.344(a)(1))			
a. A representative of the school district/agency other than the child's teacher who is qualified to provide or supervise the provision of special education?	___	___	
b. The child's teacher(s)?	___	___	
c. One or both of the child's parents?	___	___	
d. The child, where appropriate?	___	___	
e. Other individuals at the discretion of the parent or agency?	___	___	
5. Does the school district/agency take steps to insure that one or both of the parents of the handicapped child are present at each meeting or are afforded the opportunity to participate including: (§121a.345(a)(1)(2))			
a. Notifying parents of the meeting early enough to insure that they will have an opportunity to attend?	___	___	

YES NO COMMENTS:

b. Scheduling the meeting a mutually agreed time and place? ____ ____

6. Does the notice of the IEP meeting which is sent to parents indicate the purpose, time and location of the meeting and who will be in attendance? (§121a.345(b)) ____ ____

7. If neither parent can attend the meeting, are other methods, including individual or conference telephone calls, used to insure parent participation? (§121a.345(c)) ____ ____

8. If the school district/agency is unable to convince the parents that they should attend the IEP meeting(s), is a record kept of its attempts to arrange a mutually agreed upon time and place such as: (§121a.345(d)(1)(2)(3))

   a. Detailed records of telephone calls made or attempted and the results of those calls? ____ ____

   b. Copies of correspondence sent to parents and any responses received? ____ ____

   c. Detailed records of visits made to the parents' home or place of employment and the results of the visits? ____ ____

9. Is a copy of the IEP given to parents upon their request? (§121a.345(f)) ____ ____

10. Does the school district/agency take whatever action is necessary to insure that the parents understand the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English? (§121a.345(e)) ____ ____

11. Does the individualized education program for each child include: (§121a.346(a)-(e))

   a. A statement of the child's present level of education performance? ____ ____

   b. A statement of annual goals, including short-term instructional objectives? ____ ____

   c. A statement of the specific special education and related services to be provided to the child and the extent to which the child will be able to participate in regular education programs? ____ ____

   d. The projected dates for initiation of services and the anticipated duration of the services? ____ ____

   e. Appropriate objective criteria and evaluation procedures and schedules for determining on at least an annual basis whether the short-term instructional objectives are being achieved? ____ ____

NOTE: Item 11 should be answered based on data collected USING THE IEP CHECKLIST to REVIEW a 10% RANDOM SAMPLE OF IEPs IN THE SCHOOL DISTRICT/AGENCY.

12. Children placed in private schools

   a. Before placing in, or referring a child to a private school or facility, does the school district/agency initiate and conduct a meeting to develop an IEP for the child? (§121a.347) ____ ____

	YES	NO	COMMENTS:
b. Does the school district/agency insure that a representative of the private school or facility attend the IEP meeting? (§121a.347(a))	____	____	
c. If the representative cannot attend, does the school district/agency use other methods such as individual or conference phone calls to insure participation by the private school? (§121a.347(b))	____	____	

SUBPART D - PRIVATE SCHOOLS

B. Handicapped Children in Private Schools Not Placed or Referred by Public Agencies

Does the school district provide special education and related services designed to meet the needs of private school handicapped children residing in the jurisdiction of the agency? (§121a.452(a))	____	____	
Does the school district provide private school handicapped children with genuine opportunities to participate in special education and related services consistent with the number of those children and their needs? (§121a.452(b))	____	____	
Does the school district consult with persons knowledgeable of the needs of private school handicapped children, the number of those who will participate under this part, and the types of special education and related services needed in determining the services the school district will provide for them? (§121a.453)	____	____	

SUBPART E - PROCEDURAL SAFEGUARDS

Due Process Procedures for Parents and Children (§121a.500-514)

a. Has the school district/agency informed the parents of handicapped children that they have a right to obtain an independent educational evaluation of the child subject to paragraphs (b) through (e) of the Regulations? (§121a.503(a))	____	____	
b. Has the school district/agency provided parents on request, information about where an independent education evaluation may be obtained? (§121a.503(a)(2))	____	____	
c. Has written notice been given to the parents of a handicapped child a reasonable time before the school district/agency: (1) proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education provided to the child; (2) refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child? (§121a.504(a)(1)(2))	____	____	
d. Has parental consent been obtained before conducting a preplacement evaluation? (§121a.504(b)(1))	____	____	

BEST COPY AVAILABLE

	YES	NO	COMMENTS:
E. Has parental consent been obtained before initial placement of a handicapped child in a program providing special education and related services? (§121a.504(b)(ii))	____	____	
F. Does the prior notice and parent consent notice sent to parents include (1) a full explanation of all the procedural safeguards available to the parents; (2) a description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected; (3) a description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal; and (4) a description of any other factors which are relevant to the agency's proposal or refusal? (§121a.505(a)(1)-(4))	____	____	
G. Is the notice written in language understandable to the general public? (§121a.505(b)(1))	____	____	
H. Is the notice provided in the native language of the parents or other mode of communication used by the parents, unless it is clearly not feasible to do so? (§121a.505(b)(2))	____	____	
I. If the native language or other mode of communication of the parent is not a written language, has the school district/agency taken steps to insure: (1) that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication; (2) that the parent understands the content of the notice; and (3) that there is written evidence that (1) and (2) above have been met? (§121a.505(c)(1)(2)(3))	____	____	
J. Has the public agency informed the parent of any free or low cost legal and other related services available in the area if: (1) the parent requests the information; or (2) the parent or the agency initiates a hearing? (§121a.506(c)(1)(2))	____	____	
K. If a hearing has been conducted by the school district/agency, was the hearing officer? (1) not an employee of the state or local education agency who is involved in the education or care of the child or (2) not a person having a personal or professional interest which would conflict with his/her objectivity in the hearing? (§121a.507(a)(1)(2))	____	____	
L. Does the school district/agency keep a list of the persons who serve as hearing officers, including a statement of the qualifications of each of these persons? (§121a.507(c))	____	____	
M. Has the school district/agency, within 45 days after the receipt of a request for a hearing: (1) reached a final decision and (2) mailed a copy of the decision to each of the parties? (§121a.512(a))	____	____	

	YES	NO	COMMENTS:
N. During the pending of any administrative or judicial proceedings regarding a complaint, unless the public agency and the parents of the child agree otherwise, has the child remained in his/her present educational placement? (§121a.513(a))	____	____	
O. If the complaint involves an application for initial admission to public school, with the consent of the parents, has the child been placed in the public school program until the completion of all of the proceedings? (§121a.513(b))	____	____	
Confidentiality of Information (§121a.562-576)			
A. Does the school district/agency permit parents to inspect and review any education records related to their children which are collected, maintained or used by the agency under this Part? (§121a.562(a))	____	____	
B. Has the school district/agency complied with a request without unnecessary delay and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation or placement of the child and in no case more than 45 days after the request has been made? (§121a.562(a))	____	____	
C. Does the school district/agency keep a record of parties obtaining access to education records collected, maintained, or used (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records? (§121a.563)	____	____	
D. Is parental consent obtained before personally identifiable information is disclosed to anyone other than officials of participating agencies collecting or using the information or used for any purpose other than meeting a requirement under this Part? (§121a.571(a)(1)(2))	____	____	
E. Has the school district/agency provided parents, on request, a list of the types and locations of education records collected, maintained, or used by the agency? (§121a.565))	____	____	
F. Has the school district/agency charged a fee for copies of records which have been made for parents? If yes, could the fee effectively prevent the parents from exercising their right to inspect and review those records? (§121a.566(a))	____	____	
G. Has the school district/agency charged a fee to search for or to retrieve information under this part? (§121a.566(b))	____	____	
H. If the school district/agency decides to refuse to amend information in education records requested by the parent, has the public agency informed the parents of the refusal and advised the parent of the right to a hearing under §121a.568? (§121a.567(c))	____	____	

	YES	NO	COMMENTS:
I. Has the school district/agency, on request, provided an opportunity for a hearing to challenge information in education records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child? (§121a.568)	____	____	
J. If, as a result of the hearing, the school district/agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, has the public agency amended the information accordingly and so informed the parent in writing? (§121a.569(a))	____	____	
K. If, as a result of the hearing, the school district/agency decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, has the school district/agency informed the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency? (§121a.569(b))	____	____	
L. Does the school district/agency protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages? (§121a.572(a))	____	____	
M. Does one official at each school district/agency assume responsibility for insuring the confidentiality of any personally identifiable information? (§121a.572(b))	____	____	
N. Does the school district/agency maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information? (§121a.572(d))	____	____	
O. Have persons collecting or using personally identifiable information received training or instruction regarding the State's policies and procedures insuring confidentiality? (§121a.572(c))	____	____	
P. Has the school district/agency informed parents when personally identifiable information is collected, maintained, or used under this Part is no longer needed to provide educational services to the child? (§121a.573(a))	____	____	
Q. Has information been destroyed at the request of the parents except a permanent record of a student's name, address, and phone number; his/her grades; attendance record; classes attended, grade level completed; and year completed? (§121a.573(b))	____	____	

EHA PART B (ONLY)

§121a.184 - Excess Cost - Computation of minimum amount for the preceding school year 1985-86.

Report of Educational Statistics 1985-86.

I. Total current expense expenditure for elementary and secondary education as reported in the Report of Educational Statistics,'85-'86 Finance Sect. Current Expenses Summary by District, (Annual Financial Statement) ________

II. Subtract the amounts spent from State funds for handicapped students: Including special education units, speech teacher units, and all special school personnel not included in special education units. ________

III. Subtract total local disbursements for special education including local transportation costs and local supplement for special education units. ________

IV. Subtract total Federal expenditures spent from funds under Title VI, B of the Education of the Handicapped Act, Title I and VII of the Elementary, Secondary Education Act of 1965. ________

V. Subtract the total spent from other Federal funds for the three basic purposes of handicapped children, educationally deprived children and bilingual education for limited English-Speaking ability children. ________

Total of Amounts Subtracted ________

Net Expenditures ________

VI. Divide the Net Expenditures by the Average Daily Membership (Total K-12 ADM as will be reported in the Report of Educational Statistics, "Pupils Section".

$$\frac{\text{NET EXPENDITURES}}{\text{Average Daily Membership}} = \text{PER PUPIL EXPENDITURE} \quad \_\_\_\_\_\_\_\_ \quad \text{(C)}$$

This figure is the minimum amount the local education agency must spend (on the average) for the education of each of its handicapped students. Funds under Part B of EHA may be used only for costs over and above this minimum. Each local educational agency must keep records adequate to show it has met the excess cost requirement.

The following computation will allow for determining the per pupil expenditure for elementary and secondary students.

A = Elementary cost/pupil
B = Secondary cost/pupil
C = Total cost/pupil

E = Number Elementary pupils
S = Number Secondary pupils
T = Number Total pupils

Equation #1

$$1.25\,A = B \quad \_\_\_\_$$

Equation #2

$$\frac{(A \times E) + (B \times S)}{T} = C$$

District Elementary Per Pupil Expenditure $________
District Secondary Per Pupil Expenditure $________

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§121a.220 Child Identification: Include procedures which insure that all children residing within the jurisdiction of the LEA who are handicapped regardless of the severity of their handicap, and who are in need of special education and related services are identified, located and evaluated, including a practical method of determining which children are currently receiving needed special education and related services and which children are not receiving such services.

A. Name of person responsible for district-wide coordination of planning and implementing the child identification effort for the coming school year.

NAME: ______________________ PHONE NUMBER: ______________________

B. Number of kindergarten age students (September 30, 1986) ______________

Number of kindergarten age children screened by September 30, 1986 ____________

If all kindergarten children have not been screened by September 30, 1986 describe what barriers prevent accomplishing this goal.

C. Briefly describe under §121a.238 Use of Part B Funds each major child identification activity to be carried out in the forthcoming year for each age group. (NOTE: Presently included as part of Section on Use of Part B Funds)

D. Briefly describe the methods used to determine which children are and are not receiving special education and related services.

§121a.224 Personnel Development: Include procedures for the implementation and use of the Comprehensive System of Personnel Development established by the SEA.

Training Audience

TABLE 2

Inservice Training
July 1, 1987 - August 30, 1988

Levels and Areas of Training	A. Regular Classroom Teachers	B. Special Education Teachers	C. Teacher Aides	D. Support Personnel	(1) Psychologist	(2) School Social Workers	(3) Physical Educators	(4) Occupational Therapists	(5) Speech Pathologists	(6) Audiologist	(7) Psychometrist/ Ed. Diagnosticians	(8) Work-Study Coor./ Voca. Evaluator/ Job Placement Counselor	E. Administrators	F. Operational Personnel	(1) Secretarial	(2) Clerical	(3) Transportation	(4) Food Service	G. Other	(1) Hearing Officers	(2) Surrogates	(3) Other Non-Instructional Staff	(4) Volunteers	(5) Parents of Handicapped Children
I. Awareness																								
a. PL 94-142 General Information																								
b. Needs/Skills of Handicapped Children																								
II. Knowledge																								
a. Child Characteristics/ Diagnostic Procedures																								
b. Due Process Procedures																								
c. Least Restrictive Environment																								
d. Individual Education Programs																								
e. Classroom Management																								
f. Other (Specify) ______																								
III. Skill Practice (Specify) ______																								
IV. Skill Application (Specify) ______																								
TOTAL																								

§121a.227 Participation in Regular Education Programs: (A) Include procedures that to the maximum extent practicable the LEA provides special services to enable handicapped children to participate in regular educational programs.

(1) The types of alternative placements that are available for handicapped children.

(2) The number of handicapped children within each disability category who are served in each type of placement. (Now part of Performance Report)

A. Section III. E. of the Administrative Manual for Programs for Exceptional Children specifies that "It shall be the responsibility of each school district to develop and maintain educational program Levels I through IV (of the Continuum of Services). The location of Level IV is dependent on the number of needs of children and may be established in the home district or may require the cooperative efforts of several districts and possibly any other public agency, as specified in administrative agreements." Specify the location(s) where each of the four levels of services will be provided.

LEVEL	LOCATIONS
Level I (regular classroom with consultative services)	
Level II (regular classroom with supportive or part-time services (resource room))	
Level III (special education classroom with part-time mainstream experiences)	
Level IV (Full time special education classroom full school day)	

§76.236 Public Participation: Include procedures for making the application and all documents related to the application available to parents and the general public.

Briefly describe how the district/agency will make this plan/application and all documents related to it available to parents and the general public. Describe the procedures such as newspaper announcements, public hearing, parent notices, advisory councils, etc. Include copies of news releases, a summary of comments received on the district plan, and a description of any modifications made to the plan as a result of the comments.

§76.650 Participation of Private School Children

(EDGAR: §Information in an application for a subgrant)

An applicant for a subgrant shall include the following information in its application.

(a) A description of how the applicant will meet the Federal requirements for participation of students enrolled in private schools.

(b) The number of students enrolled in private schools who have been identified as eligible to benefit under the program.

(c) The number of students enrolled in private schools who will receive benefits under the program.

(d) The basis the applicant used to select the students.

(e) The manner and extent to which the applicant complied with §100b.652 (consultation).

(f) The places and times that the students will receive benefits under the program.

(g) The differences, if any, between the program benefits the applicant will provide to public and private school students, and the reasons for the differences.

Districts response to items (a) to (g) should be limited to space provided above; but if applicable, should fully cover the participation of private school handicapped children.

S A M P L E

§121a.230 Use of Part B Funds

Describe how the local education agency will use the funds under Part B of the Act during the 1986-87 school year, i.e., Childfind, related services.
(Note: Include requirements of §121a.220 and §121a.221).

PRIORITY USE AND CORRESPONDING PRIORITY GROUP	SPECIFIC MEASURABLE OBJECTIVES FOLLOWED BY ACTIVITIES (INCLUDE NUMBER OF CHILDREN TO BE SERVED AND IF LOCAL/STATE RESOURCES ARE TO BE USED.)	TIMELINES	PROJECT RESOURCES	EXPECTED OUTCOME AND PROCEDURES FOR DETERMINING EFFECTIVENESS OF OF ACTIVITIES AND OBJECTIVES
Priority One Unserved Children			For each objective, specify number of project dollars to be expended. If local or State funds are used, state funding source(s).	
1. Child Identification	1. Goal: All unserved handicapped children will be located, identified and evaluated. a. Specify measurable objectives to be followed in Childfind effort. b. Include how all incoming kindergarten students will be screened, including screening dates during spring/summer, follow-up sessions in Sept., who will do screening, screening instrument, etc. c. Include an objective for school dropouts.			Specify the expected impact of each program objective.
2. Provision of Services	2. Goal: All unserved handicapped children will be placed in a free appropriate public educational program. a. b. Specify objective(s) for development of any alternative placement(s) for currently unserved students. Describe program, number of students to be served, etc. c.			Specify the expected impact of each program objective.
3. Other	(Additional Pages May be Added)			

"INSTRUCTIONS"

BEST COPY AVAILABLE

§121a.230 Use of Part B funds

Describe how the local education agency will use the funds under Part B of the Act during the 1986-87 school year, i.e., childfind, related services. (Note: Include requirements of §121a.230 and §121a.225)

SPECIFY IEP AND CHILDFIND PRIORITY NEEDS	SPECIFIC MEASURABLE OBJECTIVES FOLLOWED BY ACTIVITIES (INCLUDE NUMBER OF CHILDREN TO BE SERVED AND IF LOCAL/STATE RESOURCES ARE TO BE USED.)	TIMELINES	PROJECT RESOURCES	EXPECTED OUTCOME AND PROCEDURES FOR DETERMINING EFFECTIVENESS OF ACTIVITIES AND OBJECTIVES

Qualifications of Professional Personnel

I. Position Title

A. Responsibilities

B. Qualifications

(Note: Complete for each person or position type hired with project funds)

Form MVS-48- R287

DELAWARE STATE DEPARTMENT
OF PUBLIC INSTRUCTION

Page 1 of

FEDERAL PROJECT
BUDGET FORM

Date:____________

Project Period:____________ To____________

FED. ACT & TITLE NO.____________

LEA/OTHER AGENCY:____________

PROJECT TITLE:

EXPENSE CLASSIFICATION: SALARIES & EMPLOYEE COSTS				OTHER FUNDS TO BE USED IN SUPPOR OF THIS PROGRAM			
Fed. Acct. No.		PERSONNEL: Give Name and Position: if Part-Time, show Hourly Rate, Hr. per day, No. of days. (Use continuation page if needed.)	AMOUNT REQUESTED	Prior Year Grant Funds	State Funds	Tuition Funds	Other Federa or Loc Fund (Ident
	Prog Obj.	PROFESSIONAL:	$	$	$	$	$
		Subtotal					
		NON-PROFESSIONAL:					
		Subtotal					
		OTHER EMPLOYEE COSTS:					
		Subtotal					
		TOTAL SALARY & EMPLOYEE COSTS 548	$	$	$	$	$

LEA/OTHER AGENCY____

EXPENSE CLASSIFICATION: CONTRACTED SERVICES			OTHER FUNDS TO BE USED IN SUPPO OF THIS PROGRAM			
Fed. Acct. No.	Give Name and Position: Show Hourly or Daily Rate, and Number of Hours or Days. (Use continuation page if needed.)	AMOUNT REQUESTED	Prior Year Grant Funds	State Funds	Tuition Funds	Other Feder or Lo Fund (Iden
	Prog Obj.					
	TOTAL CONTRACTED SERVICES	$	$	$	$	$

EXPENSE CLASSIFICATION: TRAVEL						
Fed. Acct. No.	Position of Person Traveling, Destination and Specific Cost Items and Rates. (Use Continuation Page if needed)					
	Prog Obj.					
	TOTAL TRAVEL	$	$	$	$	$

LEA/OTHER AGENCY ______________________________

EXPENSE CLASSIFICATION: SUPPLIES AND MATERIALS				OTHER FUNDS TO BE USED IN SU[illegible]OR OF THIS PROGRAM			
Fed. Acct. No.	List Item Description, Quantity and Unit Price. (Use Continuation Page if needed.)		AMOUNT REQUESTED	Prior Year Grant Funds	State Funds	Tuition Funds	Other Federal or Loca Fund (Identi
	Prog Obj.		$	$	$	$	$
	TOTAL SUPPLIES AND MATERIALS		$	$	$	$	$

FFF-MVS-48- R287

CONTINUATION PAGE ____ of ____

Use this sheet to continue listing budget items from any expense classification category fo which there is not sufficient space on the original budget form pages. Do not list totals for an expense classification on this page. Totals for expense classifications are to be listed on the original budget form pages for that classification. More than one expense classification may be listed on the same continuation page.

Fed. Acct. No.	EXPENSE CLASSIFICATION (List each classification separately)	AMOUNT REQUESTED	OTHER FUNDS TO BE USED IN SUPPO OF THIS PROGRAM			
			Prior Year Grant Funds	State Funds	Tuition Funds	Other Federa or Loc Fund (Ident
	____________________:	$	$	$	$	$
	Prog Obj.					

Form MVS-48- R287 Page 4 of 4

LEA/OTHER AGENCY____

				OTHER FUNDS TO BE USED IN SUPPOR OF THIS PROGRAM			
			AMOUNT REQUESTED	Prior Year Grant Funds	State Funds	Tuition Funds	Ot[illegible] Federa or Loc Fund (Ident
		TOTAL DIRECT COST Sum of Expense Classification Totals from Pages 1, 2, and 3	$	$	$	$	$
800		INDIRECT COST List Approved Rate_____% (Indirect Cost Rate x Federal Fund Portion of Total Direct Cost)	$		▨	▨	▨
		EXPENSE CLASSIFICATION: CAPITAL OUTLAY					
Fed. Acct. No.		List Item Description, Quantity and Unit Price	☒	☒	☒	☒	☒
1200	Prog Obj.		$	$	$	$	$
		TOTAL CAPITAL OUTLAY	$	$	$	$	$
800		AUDIT FEE 0.2% of Federal Funds Portion of Grand Total of Grant	$	▨	▨	▨	▨
		GRAND TOTAL	$______	$______	$______	$______	$______

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[illegible]

ATTACHMENT 3

Comprehensive System of Personnel Development (CSPD)

Timelines for the Needs Assessment:

The survey will be distributed to a stratified random sample of teachers and administrators the week after Easter vacation (March or April). Completed surveys will be returned to DPI within three weeks. Those who fail to comply with this deadline will be contacted by memo and phone calls until request has been completed.

Information collected from completed surveys will be transferred to a computer data-base and analyzed. Results will be presented within two to three weeks to the entire CSPD Committee (n=20) who will, in turn, validate the existing (inservice) priorities.

Findings will be written in report form no later than 30 days after the CSPD Committee has met. The report will be distributed to all interested parties as well as those deemed necessary by regulation and/or the Committee.

Preservice and personnel shortages will be addressed as well, although these needs will be reviewed by the Certification and Personnel Division whose members serve on the CSPD Committee. This Department works directly with the Institutions of Higher Education to solve preservice concerns.

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
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FINANCIAL ASSISTANCE FOR THE TEACHING PROFESSION

DELAWARE POSTSECONDARY
EDUCATION COMMISSION
AND THE DEPARTMENT OF
PUBLIC INSTRUCTION

SCHOLARSHIPS	DESCRIPTION	ELIGIBILITY	FINANCIAL AID	SELECTION COMMITTEE	DEADLINE
Congressional Teacher Scholarship Loans	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Christa McAuliffe Scholarship Loans	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Student Loan Program	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

[illegible]	DESCRIPTION	ELIGIBILITY	FINANCIAL AID	SELECTION COMMITTEE	DEADLINE
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

This brochure provides general information. For specific program and admission details contact the appropriate agency.

For the Congressional and Christa McAuliffe Scholarship/Loans —
Delaware Postsecondary Education
Commission
Carvel State Building
820 North French Street
Wilmington, DE 19801
(302) 571-3240
Toll Free from Kent or Sussex 800 292 7935

For the Special Institute for Teacher Certification
Director
Special Institute for Teacher Certification
University of Delaware
[illegible] Education Building
Newark, DE 19716
(302) 451-[illegible]

For all other programs —
Department of Public Instruction
Certification and Personnel Division
Townsend Building
P.O. Box 1402
Dover, DE 19903
(302) 736-[illegible]

All award programs described herein and their continuation are dependent on annual appropriations by state or federal government.

Participants for these programs will be selected competitively from eligible candidates within the limits of the funds authorized by state or federal government.

Designation of Critical Curricular Areas determined annually by the State Board of Education.

FOR FURTHER INFORMATION:

Individuals who are interested and who meet the minimum qualifications for acceptance into the Special Institute may apply by completing and mailing the application form on this brochure and by having transcripts sent directly from all institutions of higher learning they have attended. The application and transcripts should be sent to:

Dr. Julius Minott, Director
the Special Institute for Teacher Certification
University of Delaware
213 Hall Education Building
Newark, DE 19716

Individuals seeking further information about the Special Institute or their eligibility for acceptance may write or phone the Director at (302) 451-8999.

the Special Institute for Teacher Certification
University of Delaware
213 Hall Education Building
Newark, DE 19716

Nonprofit Organization
U.S. Postage
PAID
Newark, Delaware
Permit No. 26

THE UNIVERSITY OF DELAWARE'S SPECIAL INSTITUTE FOR TEACHER CERTIFICATION

PURPOSE OF THE SPECIAL INSTITUTE:

Established by an act of the Delaware State Legislature, the Special Institute for Teacher Certification is one of several attempts by the state to help meet a growing demand for teachers in some segments of the public education system. The purpose of the Special Institute is to provide direction and financial assistance either to individuals holding Bachelor's Degrees in fields other than education who decide that they would like to pursue careers as teachers or to other educational personnel in the public schools in Delaware. Individuals seeking certification in areas where teacher demand is especially high can receive through the Special Institute tuition scholarships that will cover costs for all professional education courses they need to be certified.

The areas for which scholarships can be made available are determined annually by the Director of the Personnel Branch of the State Department of Public Instruction. For the 1986-87 school year, these include elementary and special education, as well as secondary mathematics, sciences (all), English, and modern languages. There is also need for school librarians and for physical therapists to work with handicapped students.

COURSE OF STUDIES:

After admission to the Special Institute, each student's credentials are submitted for review to the Certification Specialist in the Personnel and Certification Branch of the State Department of Public Instruction. The purpose of this review is to determine the exact courses and other requirements that the student will have to have completed to be eligible for state certification. Once this determination is made, the student then meets with his/her advisor in the Special Institute to plan a course of studies suited to his/her needs.

ELIGIBILITY FOR ADMISSION:

Applicants for Elementary and Special Education Certification

To be admitted to the Special Institute and to receive a tuition scholarship, applicants for elementary certificates (all subjects, kindergarten through eighth grade) or special education certificates (all subjects, kindergarten through twelfth grade) must have earned a Bachelor's Degree from a four-year, regionally accredited college or university in some field other than education. In addition, the applicant must have attained a minimum overall cumulative grade point average of 2.7 at his/her undergraduate institution.

Applicants for Secondary Certification

To be admitted to the Special Institute and to receive a tuition scholarship, applicants for all secondary certificates (specific subject areas, seventh through twelfth grades) must have earned a Bachelor's Degree from a four-year, regionally accredited college or university with a major in the discipline for which he/she is seeking certification. In addition, applicants for secondary mathematics and various science certificates must have attained a minimum cumulative grade point average of 2.7 in all undergraduate courses and a minimum grade point average of 2.95 in all major courses. Applicants for English and various modern language certificates must have attained a minimum cumulative grade point average of 2.95 in all undergraduate courses and a minimum grade point average of 3.2 in major courses.

STIPULATIONS:

Students who receive tuition scholarships from the Special Institute must agree in writing to

1. teach for a minimum of one year in a Delaware public school within two years of receiving certification,
2. repay the University of Delaware the amount of any tuition received should he/she drop out of the Special Institute prior to receiving certification, and
3. register for a minimum of 15 credits hours of course-work during each academic year in which they are enrolled in the Special Institute.

APPLICATION FOR SPECIAL INSTITUTE

(Please type or print)

Name ______________________

Address ______________________

____

Phone (Home) ____________ (Work) ____________

Social Security Number ______________________

Certification Sought

___ Elementary (grades K-8)

___ Special Education (grades K-12)

___ Secondary (grades 7-12)

Subject Area (applicable only for secondary) ______________________

Undergraduate Degree ______________________

Date graduated ______________________

Institution ______________________

Address ______________________

Major ______________________

Minor ______________________

Cumulative Grade Point Average

Overall ____________ Major ____________

Graduate Degree(s) ____________ Major(s) ____________

____

____

ATTACHMENT 4

In not providing a description for the use of Part B funds in '89-'90, I propose to submit this information with subsequent annual plan revisions. With regard to administrative funds, we have had major changes in Division staff this past year and anticipate some adjustments in both task responsibilities and fund allocations based upon responsibilities. In addition, as we finalize the new Comprehensive Compliance Monitoring System and undertake development of a program effectiveness evaluation system, we are exploring the option of linking use of Part B Pass-Through funds with identified local program deficiencies.

NOTE: Description of the Use of Part B Funds above is obsolete. Superceded by supplemental submitted to O.S.E.P. on 12/29/87. Current data in that supplementary material.

WML (1/13/88)

ATTACHMENT 5

(a) Public Hearings

(b) Written Comment

(a) Public Hearings were held in each of Delaware's three counties on May 26, 27, and 28, in succession. Advertisement for the hearings was published April 17, in papers of general circulation throughout the State. Formal statements were made only at the May 26 session, attended by seven (7) persons. Copies of the announcement and text of the comments follow.

SEA Response to Public Hearing Comments -

We welcome the comments but feel that the present wording of the Plan adequately addresses the licensure issues raised. No change in the wording of the Plan is scheduled at this time. However, the Department will reevaluate its position during the 1987-88 school year and make an appropriate amendment, if warranted, to assure the meeting of proper licensure requirements.

THE NEWS-JOURNAL COMPANY

A GANNETT NEWSPAPER

831 ORANGE STREET, WILMINGTON, DELAWARE 19899, (302) 573-2000

MAIL REMITTANCE TO P.O. BOX 2185, WILMINGTON, DE. 19899

L- 5243

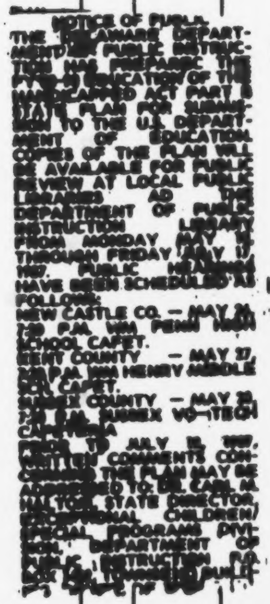
LEGAL INVOICE

PERIOD ENDING	ACCOUNT NUMBER
05/19/87	5243

DEPT OF PUBLIC INSTRUCTION
FINANCE & SCHOOL SERVICES DIV
TOWNSEND BLDG, DR JACK NICHOLS
DOVER DE 19501

NET DUE UPON RECEIPT
302-736-4688 776433

DATE	INS	LINES	TOTAL	CLASS	REFERENCES	RATE	TOTAL
05/19/87	1	41	41	500			73.70
					BOX 0.00 ADJ 0.00		
					BOLD 0.00 COLOR 0.00		0.00
					SDS		
					PLEASE PUT YOUR PHONE NUMBER ON CHECKS AND RETURN COPY OF YOUR BILL		73.70
					O CLAIMS FOR ALLOWANCES ALLOWED UNLESS RESENTED WITHIN 20 DAYS OF BILLING DATE		



NOTICE OF PUBLIC [illegible]
THE DELAWARE DEPARTMENT OF PUBLIC INSTRUCTION HAS PREPARED THE EDUCATION OF THE HANDICAPPED ACT PART B STATE PLAN FOR SUBMISSION TO THE U.S. DEPARTMENT OF EDUCATION. COPIES OF THE PLAN WILL BE AVAILABLE FOR PUBLIC REVIEW AT LOCAL PUBLIC LIBRARIES AND THE DEPARTMENT OF PUBLIC INSTRUCTION LIBRARY FROM MONDAY MAY [illegible] THROUGH FRIDAY JULY 17, 1987. PUBLIC HEARINGS HAVE BEEN SCHEDULED AS FOLLOWS:
NEW CASTLE CO. — MAY 26, 7:30 P.M. WM. PENN HIGH SCHOOL CAFET.
KENT COUNTY — MAY 27, 7:30 P.M. WM HENRY MIDDLE SCH. CAFET.
SUSSEX COUNTY — MAY 28, 7:30 P.M. SUSSEX VO-TECH CAFETERIA
PRIOR TO JULY 18, 1987, WRITTEN COMMENTS CONCERNING THE PLAN MAY BE ADDRESSED TO: DR. CARL M. HALTOM, STATE DIRECTOR, EXCEPTIONAL CHILDREN/SPECIAL PROGRAMS DIVISION, DEPARTMENT OF PUBLIC INSTRUCTION, P.O. BOX [illegible], TOWNSEND BUILDING [illegible]

LINAGE DAILY	
LINAGE SUNDAY	

580

PAY LAST AMOUNT IN THIS COLUMN

DELAWARE
EHA-B STATE PLAN PUBLIC HEARING
FY 1988-1990

May 26, 1987

Ladies, I'm Bill Lybarger and this is my colleague, Vaughn Lauer, from the Dept. of Public Instruction. We are State Supervisors in the Exceptional Children/Special Programs Division.

The purpose of our meeting this evening is to have a formal public hearing regarding the State Plan as developed under Part B, as amended. The Plan has been developed and circulated to all the public libraries in the state. It has been announced in the newspaper - I believe it was last Tuesday - that we would have meetings tonight in New Castle County, tomorrow night in Kent County at William Henry Middle School Cafeteria and on Thursday night at the Sussex Vo-Tech Cafeteria. All times were to begin at 7:30 in the evening. Some basic ground rules: I would ask that you make comments regarding the State Plan and limit your comments to five minutes. Let's go through, and if we need to, we can go back again. I want to make sure that everyone has an opportunity to make whatever comment they care to. Any immediate questions before we begin? Yes, Jane.

Jane Eareckson: Is this to be a discussion or a presentation?

Lybarger: Basically, we are looking for particular comments rather than a particular discussion. You are free to make whatever recommendations you care to make. We will not have any formal discussion per se. In concluding the remarks afterward I will be very happy to discuss with you and respond and react to those points. But at this point, we are primarily looking for public comment to the Plan as it's been drafted. It has been submitted to Washington as of May 15. We do expect to hear from them probably within the next 4 to 6 weeks. Comments that you make tonight will be summarized, if possible. We want to make sure that we have all points involved, and that they become a part of the public comments regarding the Manual, and that will also be submitted to Washington. Any other questions? I count seven signatures and seven people here. I believe two of you wish to speak. Any others who change your minds, you're more than welcome to. Who would like to be the first? Jane, can I ask you, simply so we can get it on tape, can you bring your materials here? You're welcome to sit at this table. Thank you. Please identify yourself.

My name is Jane Eareckson. I'm a Speech/Language Pathologist, and I'm the President of the Delaware Speech/Language Hearing Association and represent that organization at this time. My concerns deal with the issue of qualified personnel. The EHA-B, Section 405, paragraph 14, Section 613-a and also part 14 of that. This portion of the text reads: "The State Plan shall include policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including the establishment and maintenance of standards which are consistent with any State approved or recognized certification, licensing, registration or other comparable requirements which apply to the area in which he or she is providing special education or related services." According to Del. Code., Title 14, Section 1201, the following is stated: "This chapter shall apply to the State Board of Education as the Board having authority to pass rules and regulations governing the qualification and certification of teachers in the public schools of the State, except that certificates issued by other certifying boards prior to July 13, 1971 concerning qualification and certification of teachers shall be honored by the State Board of Education." And in addition, Section 1092 states: "No person shall be employed, nor shall any salary be paid to such person unless he/she shall hold a certificate issued by the Delaware State Board of Education of the kind and grade required for that position. The State Plan further states that it is the policy of the Delaware Department of Public Instruction to periodically review certification standards to assure that they require appropriate qualifications and are consistent with current State law. This policy pertains to certification of all persons who are employed in the public schools."

According to a memo that was sent to all Chief State School Officers by the USOE, the State Plan does not seem to go far enough in addressing the issue of qualified personnel. According to the memo that was forwarded to your CSOs and to members of our association by our national organization, the policies and procedures must provide for the establishment and maintenance of standards which are consistent with any recognized certification, licensing, etc. And to the extent that the personnel carrying out the standards for the purposes of the EHA-B are not based on the highest requirements in the State applicable to a specific profession or discipline, the State Plan must describe the steps the State is taking to require the retraining or hiring of personnel that meet the appropriate professional standards in the State. In describing the policies, procedures and steps to be taken by the State, the Plan should include a list of each professional and discipline area covering all persons providing special education or related services under the State Plan. The current State Plan does not provide a listing of all the disciplines nor the requirements for professional qualifications for each of the related disciplines, and I would propose the following adjustments:

> Under the discipline - Speech/Language Pathologists - Senate Bill 282, paragraph 3703 requires that no person shall practice Speech/Language Pathology in the State unless such person is licensed in accordance with this chapter. Therefore, I would propose that districts shall employ only speech pathologists who have met licensure requirements specified in S.B. 282. And proof of maintenance of licensure should be required bi-annually, as licenses are renewed bi-annually. Certification by the American Speech/Language Hearing Association is desired but not required, and certainly certification by the State Board of Education as a Speech and Hearing Specialist should continue to be required. We are not attempting to suggest that State certification should not be required, but just that licensure should be specified in the law. There are considerable discrepancies between the standards of licensure and the standards of certification, and I won't go in to that now, but in a nutshell, the State certification standard is a Bachelor's level. The Master's licensure requirement is a Master's level. The State certification does not specifically require more than six critical practicum hours. The licensure requirement is in excess of 300, so there is considerable difference between the qualifications of Bachelor's level people and Master's level people, and I feel, to serve the children of Delaware, it's very important that the highest standard, which is licensure, be specified in the State Plan. Likewise for audiologists, S.B. 282 also requires licensure. In addressing the issue of the

discrepancy between the licensure and the certification standards, at the present time, the State is in compliance with the intent of these amendments because our licensure law does not accept public school personnel. There is, however, some movement to adjust that legislation, and if that indeed does occur, and if, unfortunately, the Master's level and licensure no longer applies to school personnel, then the State Plan, it would seem to me, must make provisions for the retraining of all of the Bachelor's level people who were grandfathered in under licensure, and the State Plan needs to be specific in how it will go about retraining some 30 to 50 individuals, depending on how many the current statistics indicate.

Lybarger: We've gone beyond the 5 minutes. With group consensus or approval, we will continue on uninterrupted for another 5 minutes.

Eareckson: OK. If indeed there is an adjustment in the State licensure law, and if indeed Bachelor level people can be hired, and if, indeed, the Dept. of Public Instruction must make provision for retraining, then I would suggest that there be a time limit on the time that Bachelor's level people would be permitted to upgrade their qualifications to the Master's degree, and I would propose that the level would be 4 to 6 years, which is the standard time for people attending Master's programs part-time. There are a number of other associations which have licensure that should be recognized specifically in the State Plan. Those would include the Occupational Therapists, the Physical Therapists, and, in the event that licensure approval for social workers becomes part of the team under 99-457, that would also need to include the licensed clinical social workers. I believe nurses are licensed, but I am not in touch with that organization, so I can't make suggestions there. At this point in time school psychologists are not licensed, but they do require Master's level training in order to practice in the public schools. They administer tests, they do diagnosis, as do speech/language pathologists. If you were willing to certify the school psychologists with a Master's level training, it would seem to me that the children of Delaware would be underserved if the speech/language pathologists were able to practice diagnosis and administration of tests with anything less than a Master's degree.

That concludes the meat of my testimony. I would be happy to answer or address any specific questions. Thank you very much.

Lybarger: Thank you, Ms. Eareckson. Our second individual, Rebecca - would you please identify yourself.

?

I'm Rebecca Rastaclassin, President of the Delaware Occupational Therapy Association and Vice President of the American Occupational Therapy Association - Committee, State Association Presidents. Tonight I'm representing the Delaware Occupational Therapy Association. We were very pleased to be asked to respond as a related service to your State Plan, but we were pretty disappointed when our recommendations were not included in the State Plan. Specifically, our major point is that we would like the inclusion of licensure for occupational therapists in the State Plan. As you were bringing out earlier, it apparently seems feasible that credentialing the teachers is appropriate for credentialing occupational therapists. We were unanimously granted licensure in 1985 by the State Legislature. There are many, many states that have licensure that also work with licensure for the school system. There are at least 37 states in the country that have licensure for occupational therapists. All the states have the same licensure requirements, and these requirements state that you need to be a graduate of an educational program accredited by the American Occupational Therapy Association for either occupational therapists or occupational therapy assistants. You have to graduate successfully from a field-work program, and you also have to pass a national registration examination. Once you've graduated educationally, passed your field work and passed your registration, then you're considered a registered occupational therapist or a registered occupational therapy assistant. Without that registration, and without that credentialing, anybody could call themselves an occupational therapist. The State Law in Delaware states that we must be licensed. Dr. Lybarger was kind enough to speak with me before the meeting, and he believes that the State Plan, of which our licensure bill is House Bill #164, will supersede the State Plan for Part B, 94-142. I would like to see that included in the State Plan, that occupational therapists are required to be licensed. I think it's important that consumers be protected, it's important that our licensure law be included in the State Plan, and it's important for quality control. Because just to have teacher credentialing would not actively serve to credential occupational therapists or other related services. What we would like to see recommended in the State Plan is the following paragraph:

> "Districts may hire only licensed occupational therapists and occupational therapy assistants. Occupational therapists and occupational therapy assistants must be licensed in the State of Delaware as outlined in House Bill 164. Certification by the American Occupational Therapy Association is required. Membership with the American Occupational Therapy Association is desired, but not required. Proof of maintenance of current State licensure is required bi-annually."

That's the paragraph that we submitted to you a few weeks ago in preparation for the State Plan, and that's what we would like to see included. It's not an exclusionary clause, because actually it fits the licensure bill, but in essence, what it summarizes is that we would like occupational therapists to be licensed who are practicing in the school system because, otherwise, you could have any Tom, Dick or Harry calling themselves an occupational therapist, and they are not one. And I think it's important for the consumers and the children and for you and the tax payer to have credentialed and licensed occupational therapists. We are more than willing to work with you and, of course, the other related services in making our recommendations consistent with your Plan. And thank you for letting us be part of the Public Hearing.

Lybarger: May I ask you to elaborate on a point you brought up earlier in regard to OPT assistants. Is there a model you could describe briefly for us as to the role they might play in an educational system?

Rastaclassin: Sure. It's an important point, and there is a model. It was approximately 3 months ago that the American Occupational Therapy Assoc. upgraded their recommendations for occupational therapists working in the school systems, and that's available. It's a whole massive plan - it's about 150 pages, and it's available from the American OT Association, which you can reach by calling their 800 number, which is the AOTA. So it's 1-800-THE-AOTA, and in there they have a model plan, but, just to give you a brief idea, there is a manpower shortage. That's a given. But in Delaware we have pretty full coverage for occupational therapists in the school systems and DOTA is very willing, as I know that Delaware Speech and Hearing Assoc. is to help with that manpower crunch. In essence, COTAs can be used to treat school system children once a registered occupational therapist evaluates the children. So you always need a registered OT to do the diagnosis and the evaluation. With their program, the COTA then can do the actual treatment, but if there are any program changes, then the registered OT needs to be available to advise and consult and to make those changes, and also to say when it's appropriate to discharge. As of yet in Delaware, there is not a specific ratio for the amount of hours for a COTA and an OTR. There are recommendations, and there are very specific recommendations in the AOTA plan for the OTs and the COTAs in the school system. For an example, a suggested ratio for the home health therapists is - for every 6 hours of treatment by a COTA, there's one hour of supervised treatment by an OTR. So we're looking at a 6 to 1 ratio.

Lybarger: Any other comments or questions? Who else would like to make a statement or a general comment?

Joanne Allen: I would like to make a general comment.

Lybarger: Would you please? And would you please identify yourself.

My name is Joanne Allen, and I'm the president of ACLD - in New Castle County. I have a child, and the reason I am here tonight is because he does receive occupational therapy as well as speech pathology, and he is receiving not just language in speech pathology, but also a reading program, which is vital. He's in third grade and never could read. He was in a pre-primer level entering 3rd grade. He's now in a 2nd grade reader because he had a speech pathologist who took the time to teach him the auditory discrimination in-depth program, which is known as the ADP program, and without this program, I don't know where he would be right now. It is a program I feel, which somebody that has more than just a bachelor's degree can possibly administer to a child. The speech pathologist got together with the school speech pathologist, and between the two of them, they were able to implement the program along with the special education teacher, and the three of them worked in conjunction, and the child is doing beautifully for the first time in three years.

Lybarger: Mrs. Allen, what you are saying, then, is that you're supporting the notion of licensure to maintain the standards so that this kind of thing can be assured whenever possible?

Allen: Absolutely. Because I feel it's really necessary. Thank you.

Lybarger: Any other comments? If not, what I would like to do is have an intermission for a few moments. We can cut the mike. This is May 26, 1987. The time is 8:00 p.m., and we are taking an intermission in the event there are others who will present themselves for comment.

The time is 8:55 p.m. There have been no additional guests to present. Therefore, we are concluding this evening's session.

WML/de
2370s
7/2/87

(b) Written comment was received from the Governor's Advisory Council for Exceptional Citizens on July 2, 1987. The Council's comments are attached.

SEA Response to GACEC written comments -

We welcome the GACEC comments and have examined them carefully. Those items identifying errors of content are to be incorporated as amendments to the Plan as soon as possible. Those items addressing policy require substantially more time to consider. If adapted as policy change, they are to be incorporated as amendments to the Plan as soon as possible. Several items need clarification.

GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS
P.O. BOX 1401
101 COURT STREET
DOVER DELAWARE 19901

PHONE (302) 736-4553

July 2, 1987

Dr. Carl Haltom
State Director
Exceptional Children and Special Programs
Department of Public Instruction
Townsend Building
Dover, Delaware

Dear Dr. Haltom:

Following a review of the Delaware State Plan, FY 1988-90, (Under Part B of Education of the Handicapped Act) as submitted to the U. S. Department of Education on May 15th, the Governor's Advisory Council for Exceptional Citizens (GACEC) is providing the attached recommendations for your consideration.

GACEC appreciates the time constraints under which the Plan was developed, and we understand that certain information was not available or developed at the time the Plan was submitted to the U. S. Department of Education.

As the attached list would indicate, the Council has made numerous recommendations and comments regarding the State Plan; however, we would like to bring your attention to the following major points:

First, in the Section entitled "Use of Part B Funds", the list of each administrative position paid in part or whole with Part B Funds does not accurately reflect the apparent Division for Exceptional Children's work assignments nor regular education's contribution to special education. Additionally, the information provided is for FY 1988 only, when the Plan is in effect for three years.

Second, in the Section entitled "Use of Part B Funds", the long- and short-term goals do not seem to reflect the apparent direction and activities of the Division for Exceptional Children. The objectives as stated do not include a means to determine progress toward achieving the stated goals. Again, information is provided for FY 1988 only.

Third, in several sections, it should be clarified that home school districts are not relieved of their responsibility for educating children from their districts even if those children are residing in institutions outside their boundaries.

Fourth, information should be updated to include recent revisions and developments with the Comprehensive Compliance Monitoring System.

Fifth, the current status of provisions under P. L. 99-457 should be addressed.

Sixth, projections for completion of the Program Evaluation System and Cooperative Agreements should be updated.

Seventh, information regarding GACEC due process recommendations should be updated.

Eighth, change reference regarding out-of-school instruction to include information which states that instruction hours should be based on the IEP and that hours of instruction cannot be dependent on available funding.

Ninth, as the State Plan reflects the policies and procedures in the Administrative Manual: Programs for Exceptional Children, GACEC would like to state our continued concern with the Corporal Punishment and Expulsion issues as we expressed in our recommendation for changes in the Administrative Manual.

Should you wish to discuss any of these points further, please let us know.

Sincerely,

Christine Long
gc

Christine Long
Chairperson

Enc.
MM/jk
cc: Mr. Charles Welch
Dr. William Keene
Mrs. Helen Foss

GACEC'S RECOMMENDATIONS/COMMENTS
FOR DELAWARE STATE PLAN

Page(s)	Recommendations/Comments
xii, XI, The Recovery of Funds for Misclassified Children	Policy/Procedures should be reviewed. See recommendations, comments for p. 112.
xi-xiii	Requires rework for FY'88,'89,'90.
2-8	Statement should be placed in definition section indicating intentions to: (1) review of existing classifications; (2) move to non-categorical classification. This information should also be reflected as a goal in Descriptions of Part B Expenditures, p. 169-172.
6, last para.	Reference to "20" should be "through 20".
6, 7, & 12	Reflect policy consistent with E 1 a., pp. 11 & 18 in Administrative Manual. (Student should be minimum age on/or before Jan. 1 of the school year.)
12	Information should be changed to reflect regulations which will be modified by P.L. 99-457.
14-15	Establish priorities to focus on groups where services/programs are not completely individualized to meet their unique needs (such as: (1) dually diagnosed; (2) persons institutionalized; and (3) brain injured).
17, 1st para.	Include Department of Youth and Families.
17-18	Is the Department of Mental Retardation also involved in screening MR population?
18, 3rd para.	Include New Castle County.
18, last para. 19, top para.	Should be clarified if home school district or school district where child is placed in correctional facility is responsible for identification of child with handicap.
19, 1st para.	Reference Department of Corrections identification of students "between 18 & 20" should be "through 20".
19, 2nd para, 1st line	Statewide diagnostic center needs to be more clearly identified and for what ages it offers services.

20-22	Regarding child identification, should contact private schools, put information in newspapers, and give information to pediatricians.
22, Sec. 6	1. Why aren't numbers provided regarding number of children in institutions (as reflected in Sec. 4 & 5)? 2. LEA responsibility for child in institution is omitted. 3. See comments under Appendix G regarding audits for correctional facilities.
30-31, vii and g.	Give copy of IEP to parents as matter of policy, not as response to their request.
32-33	Continuum of services level should be indicated on IEP.
33-j	Change to "specific disciplinary procedures or limitations as appropriate to individual needs of child. More restrictive procedures should only be recommended after all appropriate positive behavior management strategies fail.
39-c, 40-b (1) (a)	Identify Sub Part E.
45-i	Change to "In case of an appeal, the hearing officer conducting the review:"
46-i, 46-ii	Change to "(Exception: A Hearing Officer may grant an extension as agreed upon by both parties.)"
47, 5. a., 3rd line	There is no authorization in Federal law for imposition of 30-day time limit. Change 30 days to 40 days so that parents' timelines are consistent with school's timelines.
49, 7. c. (3) (b)	Reference is inaccurate. Citation should be 300.508. Please note Federal regulation 300.508 only requires the prior disclosure of evidence and not witness identification.
50-e (1)	Change "and" to "or".
51, 9. b., 3rd line	Insert after cause "or when mutually acceptable".
51, 11	Assume information will be put in commensurate with case law.

52	Timelines for GACEC recommendations are not accurate.
52-a	Simplistic recordkeeping process recommended in light of small numbers of due process requests. Does it require computer?
54, J, 1st para.	A sentence should follow paragraph which identifies specific agency or position designated as responsible for locating surrogate parents.
56, 3. a., b.	Timelines should be established for training surrogate parents.
57, 4. a., d.	Timelines should be established to require the district to file an application soon after identification of need for a surrogate parent. Specific DPI position should be held responsible for receiving court paper.
59, 5. c.	Reference should be made regarding surrogate parent's right to acquire or retain counsel at public education expense.
59, 7. a., 7th line	Delete "prior".
59, 7. d., 2nd and 3rd line	Superior Court should be changed to Family Court.
61, 3.	Continuum levels should be further defined for purpose of district consistency and interpretation. Levels should be tied with hours for services, such as with children receiving vocational education.
62, 4. b. (2)	Efforts for development of cooperative agreements should be stated.
63, (2)	Delete "administratively" and insert after the word feasible "as soon as possible".
63, (2) (a)	Change language regarding out-of-school instruction to reflect hours of instruction based on IEP. Additionally, hours of instruction cannot be dependent on available funding.
65, top para., 2nd line	Summer program cannot be subject to availability of funds.

66-67, 5., last para.	Clarify that home school district maintains responsibility for child's education even if child is residing in institution outside boundaries of home district.
68, para. 7	In conflict with summer programming policy which is only available to children in certain categories. Additionally, certain schools such as Meadowood or Sterck admit only certain categories of children.
68, 7. c. & d.	Repeat of sentence.
73, 5. a. (6)	Identify Section 2 of sub-part E?
74, 3.	Specific requirements for LD students should be referenced.
74 (3), 1st para	"Specialists with knowledge" is vague. Needs to be re-worked.
79, a.	Why isn't b (1) and (2) p. 9 in Administrative Manual also reflected on this page?
79 a. and 79 b	Not consistent with Manual p. 9.
79-a, H.	Definition of IEP Team should appear somewhere.
80, last line	What private special schools?
81	For University of Delaware and Delaware State, to what degree are their programs responsive to documented/perceived State needs? Do they offer a range of programs or are their programs just generic?
82-83	Why is this information included at this point?
84	Add: reclassification including rare and complex, monitoring, program evaluation, due process. See p. 169-172 comments.
84 and 91	Will district personnel be also trained regarding surrogate parent procedures?
84-85 & 80-91	Information on these pages is not consistent.
97, 1st para., 2nd sentence & last sentence	Omit.

112	1. Policies/procedures regarding recovery of LEA funds for misclassified children should be reviewed since Greene Report cited DPI's failure to sufficiently monitor LEAs. 2. Perhaps classification system should be revamped prior to policy and procedure change. 3. Problems that currently exist seem to be how to determine if child is erroneously classified and classifications seem to be unclear.
116, last para.	What evaluation instrument intend to use and how reliable?
136, 3rd para., 1st line	Reference to 1977 Federal regulations out of date.
150	Under inclusive.
154, 18	Clarification needed.
158, C.	Name of person who authorizes people to examine records should be identified.
159, 1. and 4.	"reasonable" time should be in accordance with statutory requirements.
167-169	The list of each administrative position paid in whole or in part with Part B funds does not accurately reflect Division work assignments nor Regular Education contributions to Special Education. Additionally, information is for FY'88 but does not address FY'89 and FY'90.
169-173	Too broad of goals. 1. Long-term nor short-term goals accurately reflect the apparent goals and direction of the Division. Some recommended goals to address: a. Recommendations from the Voc Ed Task Force b. LRE c. Surrogate parents d. Out-of-school instruction e. Expulsion f. Corporal punishment g. Due process h. Definitions for Eligibility Criteria, such as Rare and Complex i. Monitoring j. Program Evaluation System Development

	2. Objective goals should include a means to determine progress toward achieving that goal. 3. Goals only identified for FY'88 need to include goals for FY'89-90.
172, 5. c.	Question if districts have time to provide technical assistance.
172, 5. e., 3rd line	1. Kent/Sussex Consortium has been reorganized. 2. New Castle's four ILCs not mentioned.
172, 5. h.	Inconsistent with chart on pp. 18, 19 and 22.
173, k.	How much money used to support information search and retrieval unit. Page 94, line 13 states school districts' subscriptions fund this service.
173, l., 2nd line	1. Delete "pre". 2. Delete "handicapped youth" and insert "youth with handicaps".
175	No timelines for development or implementation of agreements.
Appendix G1-17	References 1986 audit. Should be updated to reflect standards for FY'88-90. No audit reference to identify children in correction facilities.
Appendix G3-G4	Update references to 1985 IEPs, 1983 evaluation and 1985 audit information.
All Appendix	Update material.

MM/jk

ATTACHMENT 6

DELAWARE PRESCHOOL GRANT
FY 1987 Funds
Under the Education of the Handicapped Act (EHA)
As Amended by PL 99-457

Delaware's current preschool program operates according to the assurances outlined in Delaware's State Plan under Part B of the Education of the Handicapped Act, as amended. Delaware currently has a State mandate to serve handicapped children through the public schools down to birth who are autistic, visually impaired, hearing impaired and deaf/blind. Mandated services begin at age three for those children who are orthopedically handicapped and severely and trainably mentally handicapped. At age four, children who are learning disabled, socially and emotionally maladjusted, and educably mentally handicapped receive special education and related services.

During FY 1986, Delaware served 709 children ages three through five under EHA-B. The unserved population of Delaware's three through five population are those children age three years of age falling in the mildly handicapped range. Through the new Preschool Grant Program, Delaware will begin serving the population and planning to meet the full service mandate by FY 1990-91. All new preschool programs will operate according to the assurances outlined in Delaware's State Plan under Part B of the Education of the Handicapped Act, as amended.

In addition, by FY 1990-91, Delaware will have in place a statewide comprehensive service delivery system for handicapped preschoolers.

Delaware submitted their Preschool Grant Application to Washington, D.C. on June 15, 1987. Upon approval of Delaware's State Plan under Part B, it is anticipated that the Preschool Grant will be funded in the fall of 1987.

As per the grant regulations, 25% of the funds will be used by the SEA for direct and support services and in the planning and development of a comprehensive service delivery system. Five percent of the grant funds will be used for administrative costs. The remaining 70% of the grant funds will be distributed to sixteen LEAs, which constitutes 100% participation in the state.

A request for proposal will be sent out in the fall by the State Education Agency to the Local Education Agencies to participate in the Preschool Grant Program. Local Education Agencies will be asked to provide the following information:

- Certification that the LEA will operate its Preschool Grant according to the assurances outlined in the State Plan.

- Budget information.

- Public participation documentation.

- A description of the use of the LEA funds.

It is anticipated, once the rules and regulations are published, that during FY 1988-1989, the Preschool Grant Program will be incorporated into the total State Plan for Part B.

ATTACHMENT 7

(a) Delaware Administrative Manual: Programs for Exceptional Children (sent previously)

(b) (no material)

(c) L.R.E. Handout

(d) L.R.E. Inservice Training Listing

(e) August 12-14 Summer Institute Correspondence

LEAST RESTRICTIVE ENVIRONMENT

GENERAL ASSUMPTIONS

1. All children have the right to an education in the LEAST RESTRICTIVE ENVIRONMENT possible for them.

2. Placement in the Least Restrictive Environment CANNOT BE DENIED simply because the OPTION DOES NOT EXIST in a specific service district. If an option does not exist but is deemed appropriate for a given student, LEGAL PRECEDENT exists to MANDATE the ESTABLISHMENT and FUNDING of the PLACEMENT.

3. A student's placement is DETERMINED at least ANNUALY.

4. A student's placement is determined AFTER, and BECAUSE of, the Individualized Education Plan. NO student may be PLACED in an educational environment SOLELY on the basis of a CATEGORICAL LABEL, or PRESUMED LEVEL of FUNCTIONING.

5. Unless a handicapped child's educational needs require some other arrangement, HANDICAPPED CHILDREN will be EDUCATED in the SCHOOL IN WHICH THEY WOULD ATTEND IF NOT HANDICAPPED.

6. Least Restrictive Environment IS NOT synonymous with the practice of MAINSTREAMING. Least Restrictive Environment MANDATES a CONTINUUM of ALTERNATIVE PLACEMENTS; the MAINSTREAM is ONE POINT along that continuum.

7. Placement decisions must DOCUMENT consideration of all VARIABLES pertinent to the student, showing that the SELECTED ENVIRONMENT is APPROPRIATE to the student's NEEDS.

Q • There is confusion over integration vs. mainstreaming. What is the difference?
A • Initially, most individuals believe that LRE involves the mainstreaming of students with moderate and severe handicaps into regular education classrooms and curricula. One must realize that integration involves the placement of classes of students with severe handicaps in regular, age appropriate school buildings where these students will have opportunities to interact with their nonhandicapped peers. Mainstreaming typically refers to placing students with mild disabilities and special education needs into the regular classoom for academic activities. lowever, students with severe disabilities often are mainstreamed into on academic classes such as home conomics and physical education.

• Does LRE mean that all students th disabilities will be placed in the jular classroom?
• The answer is "no," although this o is not as far fetched as it might m initially. Children labeled "train e mentally retarded" and "autistic" ually attend regular classes at sev l schools across the country. The nciple of LRE does not necessarily an mainstreaming in regular sses. However, it does mean that dren with the full range of dis ities can and should be integrated regular school buildings, activ and programs to the maximum nt appropriate.

Does LRE mean trading off qual or integration?
No. Just as living in society does guarantee "the good life" for any integration in public schools not guarantee a good education tudents with disabilities. LRE sim ffords students with disabilities ss to the same opportunities as enjoyed by their nonhandicapped s.

How does the principle of LRE to those students with severe g impairments, multiple handi and severe and profound men ardation?

Q&A

Parents, administrators and teachers frequently want more information about the integration of children with disabilities into the classroom. The following are some of the most commonly asked questions; the answers were developed by the Office of Special Education and Rehabilitative Services.

A • Even those students with the most severe physical and mental disabilities are attending special classes in regular public school settings at an increasing number of locations throughout the country. Many school districts, including Madison, Wisconsin; Tacoma, Washington; Albuquerque, New Mexico; Birmingham, Alabama; and Philadelphia, Pennsylvania, have closed their segregated schools for students with severe and profound handicaps.

Q • I want my child to be as independent as possible as an adult. With this goal in mind, is it preferable to have my child in an integrated setting?
A • If the goal of education is to prepare children for the future — and we want handicapped children to have a future which includes freedom of choice and maximum independence — we have no choice but to educate them in environments where they will develop the skills necessary to be independent, just as we do with all children.

Q • I have a child who enjoys social interactions with peers. The regular school does not provide opportunities for my child to participate in such things as proms, cheerleading, intramural athletics, and other clubs. Should my child be denied these opportunities just to be in a regular school setting?
A • First of all, there are many handicapped children who are participating in integrated extracurricular activities. It hardly seems appropriate to use one aspect of a student's educational life (in this case an extracurricular one) as a sole criterion for affecting a youngster's placement. While such factors should be considered in placement decisions, they should be given appropriate weight in the overall picture.

All regular school settings provide a wide range of activities which are easily made accessible to handicapped children. The emphasis should be on those activities in which handicapped students can participate, rather than on those in which they cannot.

Q • How will my child receive occupational therapy, physical therapy, or speech services in a regular setting?

A • The availability of specialized services — physical therapy, occupational therapy, speech therapy, and communication training — is frequently cited as a justification for segregated schools. At integrated schools, related services can be provided to students with disabilities, either by building based or itinerant specialists. Albuquerque, New Mexico's integrated "Side by Side" program uses related services professionals based at each integrated school. The Madison, Wisconsin school district, which disperses students with severe disabilities throughout a large number of public schools, assigns physical therapists, occupational therapists, and speech language specialists to one to three schools, depending on the population in need of these services. Throughout Vermont, a rural state with a relatively small number of students in need of specialized services, a statewide interdisciplinary team (the "I Team"), composed of special educators and related services personnel, assures that students receive specialized services.

Many school districts are moving toward an "integrated therapy" approach. Under this approach, therapists work together with teachers to integrate physical and occupational therapy into the classroom curriculum. These therapists train and consult with teachers to enable them to provide the services students need. This approach avoids the problem of having to shuttle students in and out of classes for special services.

Q • What does integration really mean?

A • Integration DOES mean:
1 Educating all disabled children in regular schools regardless of the degree or severity of their disability (any conditions)
2 Providing special services within the regular schools
3 Supporting regular teachers and administrators
4 Having students with disabilities follow the same schedules as nondisabled students
5 Involving disabled students in as many academic classes and extracurricular activities as possible including music, art, gym, field trips, assemblies, and graduation exercises
6 Arranging for disabled students to use the school cafeteria, library, playground, and other facilities at the same time as nondisabled students
7 Encouraging helpers and buddy relationships between nondisabled and disabled students
8 Arranging for disabled students to receive their education in regular community environments when appropriate
9 Teaching all children to understand and accept human differences
10 Placing disabled children in the same schools they would attend if they did not have disabilities
11 Taking parents' concerns seriously
12 Providing an appropriate, individualized educational program

Integration does NOT mean:
1 "Dumping" students with disabilities into regular programs without preparation or supports
2 Locating special education classes in separate wings at a regular school
3 Grouping students with a wide range of disabilities and needs in the same program
4 Ignoring children's individual needs
5 Exposing children to unnecessary hazards or risks
6 Placing unreasonable demands on teachers and administrators
7 Ignoring parents' concerns
8 Isolating students with disabilities in regular schools
9 Placing older students with disabilities at schools for younger children, i.e. age appropriate placement
10 Maintaining separate schedules for students in special education and regular education •

PRE-REFERRAL INTERVENTION FOR ENROLLED STUDENTS

(ACTIVITIES WHICH ADDRESS STUDENT LEARNING PROBLEMS AT THE SCHOOL LEVEL PRIOR TO REFERRAL.)

DOCUMENTATION MUST INCLUDE:

(1) RESULTS OF RECORDS REVIEW (HEALTH, VISION, HEARING, ATTENDANCE RECORDS).

(2) RESULTS OF CONFERENCES WITH PARENTS, ADMINISTRATORS, TEACHERS AND ANCILLARY PERSONNEL.

(3) SUPPORTIVE ANECDOTAL RECORDS FROM REFERRING AGENT WHICH IDENTIFY STUDENT'S LEARNING OR BEHAVIORAL PROBLEMS.

(4) RESULTS OF AT LEAST TWO OBSERVATIONS CONDUCTED BY EDUCATIONAL PERSONNEL, IN AT LEAST TWO DIFFERENT SETTINGS.

(5) DOCUMENTATION OF THE RESULTS OF A MINIMUM OF TWO INTERVENTIONS, TECHNIQUES OR EDUCATIONAL ALTERNATIVES (CHANGE OF STAFF, PROGRAM SCHEDULE, ANCILLARY INTERVENTIONS OR OTHER AGENCY INTERVENTIONS).

APPENDIX IV

DRAFT

___ Initial IEP
___ Revised IEP
___ Temporary

STATE OF DELAWARE

INDIVIDUALIZED EDUCATION PROGRAM

I. STUDENT IDENTIFICATION INFORMATION

Student ____________ D.O.B. ________ School ____________ Grade ______

Parents ____________ Address ____________ Telephone ____________

____

Student's Present Address ____________

Surrogate Parent ____________

Address ____________

Telephone ____________

Current Status of Services
(Check as applicable)

Unserved preschool ________

Unserved school aged ________

Out of State Transfer ________

District (name) ________

Continuum (level #) ________

II. PRESENT LEVEL OF PERFORMANCE

Aptitude

Test ______ Date ______ Results ______

Other

Test ______ Date ______ Results ______

Achievement

Test ______ Date ______ Results ______

Learning Strengths

Learning Weaknesses

Individualized Education Program (continued)

INSTRUCTIONS: Please check the statement in each of the five categories that is most characteristic of this student. Provide any comments needed to explain your rating.

COMMENTS

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1. PERFORMANCE

___a. The student is meeting the goals and objectives in the classroom.
___b. The student is meeting some goals and objectives in the classroom.
___c. The student is unsuccessful in meeting the goals and objectives in the classroom.

2. ACADEMIC ACHIEVEMENT

___a. The student is above grade level in most academic areas.
___b. The student is on grade level in most academic areas.
___c. The student is below grade level in most academic subjects.

3. INSTRUCTIONAL SUPERVISION

___a. The student is above average in working independently as expected by the teacher(s).
___b. The student is average in working independently as expected by the teacher(s).
___c. The student does not work independently within the expectations of the teacher(s).

4. FUNCTIONAL ADAPTATION

___a. The student can adapt to most of the demands of the school environment.
___b. The student can adapt to most of the demands of the school environment with supervision.
___c. The student can adapt to only a small percentage of the demands of the school environment with supervision.

5. BEHAVIOR

a. This student's behavior does not interfere with learning.
b. This student's behavior occasionally interferes with learning.
c. This student's behavior frequently interferes with learning

Individualized Education Programs (continued)

III. CONSIDERATION OF CONTINUUM OF SERVICES

Options	Accepted	Rejected	Reasons (e.g. proximity regular ed. school, etc.

The IEP Team has reviewed all pertinent data and determined placement on the following State Continuum of Service: Regular Education, I, II, III, IV, V, VI, VII.

Date of Meeting ________ Period of IEP ______ to ______ Date of Next Review ____________________

IV. PROGRAM AND SERVICE DESCRIPTION

Primary Exceptionality ____
Secondary Exceptionality ____

Number of Hours in:

Special Education ____ Subject Area ________	Regular Education ____ Subject Area ________	Related Services ____ Area ______________	Non Academic and extra curricular services

Exceptional Fraction ____% Regular Fraction ____% Circle One: Part-time Full-time

Discipline Consideration:
(Check one) __ Adhere to student code of conduct.
__ Special discipline or alternatives as noted here: ________________________________

Transportation Services:

___It is not necessary to place the student who is transported from the school by bus into the charge of a parent or other authorized responsible person.

___It is necessary to place the student who is transported from the school by bus into the charge of a parent or other authorized responsible person. (If checked, please complete Transportation Services Form).

PARTICIPATION IN DELAWARE ASSESSMENT PROGRAM

___This student will participate in the Delaware Educational Assessment Program.

___This student must be provided the following testing modifications:

___Flexible scheduling;
___Flexible setting;
___Partial completion.

If no more than these modifications are provided, the student's scores will be included in the district data base.

___This student is excluded from participation in the Delaware Educational Assessment Program for the following reasons:

___Unable to deal with the test on a basic skills level;
___Unable to use paper and pencil;
___Unable to hear the test administration instructions;
___Demonstrates severe emotional or physical over-reaction to testing situations;
___Non-English speaking;
___Student is not represented in the norm group.

RECOMMENDATION FOR THE ATTAINMENT OF MINIMUM COMPETENCIES
(To be completed for students in grades 9-12)

The student's program is a: _____ Diploma Program
_____ Certificate of Performance

V. PARENTAL APPROVAL

(1) I acknowledge that I have received a copy of the Procedural Safeguards. My due process rights under these guidelines have been explained to me, and I understand them fully.

(2) I agree/disagree (circle one) with the IEP.

(3) I agree/disagree (circle one) with my child's placement.

(4) I have received a copy of this IEP.

______________________ ______________________ Date ______________________

Parents/Guardian Signature

VI. PARTICIPANTS ATTENDING MEETING

Name	Title	Signature	Date

VII. PARENT AGREEMENT WITH IEP MODIFICATIONS AFTER IEP IMPLEMENTATION

Change ______________________ Date ____________ Approval ______________________

Change ______________________ Date ____________ Approval ______________________

Change ______________________ Date ____________ Approval ______________________

11. IEP CONFERENCE MINUTES (Optional)

Page ____ of ____

INDIVIDUAL EDUCATION PROGRAM (IEP):

STUDENT ______________________________ SCHOOL ____________________ PROGRAM ____________________

ANNUAL GOAL ____

Short - Term Instructional Objectives	Criteria and Evaluation Procedures	Strategies and Methods	Projected Dates			Staff Responsibilities Name and Position
			Start	Completion Date	Objective Achieved	

RKL/
[illegible] 4/11/86/7/1/86

LRE ACTIVITIES

LOCATION/DATE PARTICIPANTS	TYPE/NUMBER OF
UNIVERSITY OF DELAWARE SEPTEMBER 9, 1986	250 STUDENTS
KENT AND SUSSEX COUNTIES CEC MEMBERSHIPS JANUARY 29, 1987	28 TEACHERS AND PARENTS
SUSSEX INTENSIVE LEARNING CENTER FEBRUARY 13, 1987	37 TEACHERS AND ADMINISTRATORS
STATE CEC CONVENTION MARCH 5 AND 6, 1987	150 TEACHERS, ADMINISTRATORS AND PARENTS
DELAWARE ASSOCIATION SCHOOL ADMINISTRATORS MARCH 19, 1987	27 ADMINISTRATORS
NEW CASTLE COUNTY 23 TEACHERS AND APRIL 29, 1987	23 TEACHERS AND ADMINISTRATORS
STATEWIDE PSYCHOLOGISTS CONVENTION MAY 8, 1987	35 PSYCHOLOGISTS
KENT AND SUSSEX COUNTIES CEC MAY 20, 1987	30 TEACHERS/PARENTS
DOVER STATEWIDE LRE CONFERENCE MAY 22, 1987	105 ADMINISTRATORS, AGENCY REPRESENTATIVES, LEGISLATORS, SEA REPRESENTATIVES, PARENTS

STATE OF DELAWARE

DEPARTMENT OF PUBLIC INSTRUCTION
THE TOWNSEND BUILDING
P O BOX 1402
DOVER, DELAWARE 19903

WILLIAM B. KEENE
STATE SUPERINTENDENT
JOHN J. RYAN
DEPUTY STATE SUPERINTENDENT

SIDNEY B. COLLISON
JAMES L. SPARTZ
ASSISTANT STATE SUPERINTENDENTS

June 10, 1987

MEMORANDUM

TO: Chief School Officers

FOR: Special Education Directors/Supervisors
Special School Principals

FROM: Carl M. Haltom, Ed.D., State Director
Exceptional Children/Special Programs Division

SUBJECT: 13th SUMMER INSTITUTE - SESSION II - 8/12-14, 1987

On June 4, 1987, I forwarded to you an announcement regarding the 13th Summer Institute scheduled for July 8-10, 1987.

In dedicating the July Summer Institute to LEA Operational Plans, we precluded the examination and discussion of other issues relevant to special education. At the State Supervisor's meeting of May 29, it was determined that the area of Least Restrictive Environment needed to be considered. As a result, we are scheduling a second session for August 12-14 at Great Oak Landing to examine the following:

1. Student IEPs
2. Transition
    a. Vocational Assessment
    b. Voc-Ed./Spec. Ed. Coordination
3. Pre-referral, concepts and implementation
4. Updates

Program directors/supervisors and special school principals are invited to participate in this session. As in the July session, DPI will provide room and board from noon, Wednesday, through noon, Friday, for the persons listed above from your district. To register for participation in the second session (August 12-14), please complete the enclosed registration form and return to Dr. William Lybarger. Because accommodations are limited, we can accept registrations only on a first come, first served basis.

If you have any questions or concerns, please advise. Thank you for your interest.

CMH/WML/de

Enclosures

2278s

THE STATE OF DELAWARE IS AN EQUAL OPPORTUNITY
EMPLOYER AND DOES NOT DISCRIMINATE OR DENY
SERVICES ON THE BASIS OF RACE, COLOR, NATIONAL

STATE OF DELAWARE

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August 27, 1987

MEMORANDUM

TO: Dr. William Tyrell, Chief
Field Services Branch - USDE

FROM: Dr. William Lyberger, State Supervisor
Exceptional Children/Special Programs Div.

SUBJECT: DELAWARE STATE PLAN FOR FY 88-90 UNDER EHA, PART B
SUPPLEMENTAL INFORMATION

Enclosed please find supplemental information for Delaware's State Plan for FY 88-90, under EHA, Part B, as per our telephone conversation of 8/24/87.

The information is in two sections:

1. Pages 175-178, revised to incorporate data elements required by OSEP under Interagency Agreements; and
2. A Table of Certification/Licensing information by job title across agencies.

If you have any questions or need additional information, please advise.

WML/de

Enclosures: 1 Orig., 2 copies

[illegible]

C. *ADDITIONAL EHA-B STATE PLAN REQUIREMENTS AS PER OSEP 87-3*

The following seven items are in response to OSEP Memorandum 87-3 outlining additional State Plan requirements resulting from recent EHA-B legislation. While these items are identified under "Supplemental Requirements" for the 1988 draft of Delaware's State Plan, they will be appropriately integrated in the text of subsequent Plans.

1. *Interagency Agreements, derived from section 203(b)(2) of the EHA Amendment of 1986, by new paragraph 13 of §613 (a) of EHA-B [20 U.S.C. §1413 (a)]*

The Department of Public Instruction shall execute a written cooperative agreement when educational programs are provided in collaboration with other state agency programs to ensure that a free, appropriate public education is provided to all handicapped students who are served by more than one agency. Each cooperative agreement shall be documented, reviewed, and signed by the appropriate agency administrators. The SEA shall ensure that all cooperative agreements are implemented, monitored, and evaluated according to Federal and State standards. Each cooperative agreement shall specify the:

a. Title of the agreement;

b. Parties involved and their authority to provide special education and related services;

c. Purpose of the agreement;

d. Roles and responsibilities of each agency;

e. Access to records and transfer procedures;

f. Implementation, dissemination, and training activities;

g. Funding amounts and financial responsibilities of the agency to provide FAPE to handicapped children;

h. Compliance monitoring and program evaluation procedures;

i. Reauthorization schedule and negotiation procedures;

j. A mechanism for resolving interagency disputes;

k. Procedures under which service providers (i.e., LEA) may initiate proceedings to secure reimbursement from other agencies;

l. Signature and title of each agency administrator.

The following represent those agencies considered to be appropriate agencies with which to hold interagency agreements and current/projected status:

> Department of Health and Social Services--
>
> Updating of current agreements will take place during the 1987-1988 school year.
>
> Department of Services for Children, Youth and Their Families--
>
> Letters of agreement will be finalized in June, 1987. Interagency Agreements will be drafted during the 1987-1988 school year.
>
> Department of Correction--
>
> Updating of this agreement will be completed during the 1987-1988 school year.
>
> Division of Vocational Rehabilitation--
>
> Interagency agreements with this division are current and in force.
>
> Division of Vocational Education--
>
> Interdepartment/agency agreements are current and in force with the Division of Vocational Education, Vocational Rehabilitation and the Division of Exceptional Children/Special Programs. (See Appendix H)

2. *Personnel Standards, derived from section 405 of the EHA Amendment of 1986, by new paragraph 14 of §613 (a) of EHA-B [20 U.S.C. §1413 (a) (14)]*

Del. Code, Title 14, Section 1201, states the following:

> This chapter shall apply to the State Board of Education as the board having authority to pass rules and regulations governing the qualification and certification of teachers in the public schools of the State; except that certificates issued by other certifying boards prior to July 13, 1971 concerning qualification and certification of teachers shall be honored by the State Board of Education.

In addition, Del. Code, Title 14, Section 1092 states:

> "No person shall be employed, nor shall any salary be paid to such person unless he/she shall hold a Certificate issued by the Delaware State Board of Education of the kind and grade required for the position."

It is the policy of the Delaware Department of Public Instruction to periodically review certification standards to assure that they require appropriate qualifications and are consistent with current State law. This policy pertains to certification of all persons who are employed in public schools.

3. *Non-supplanting, derived from section 203 (b) (1) of the EHA Amendment of 1986, amending §613 (a) (9) of EHA-B [20 U.S.C.]*

   The State of Delaware makes the following assurance and provision as required by Part B of the Education of the Handicapped Act, as amended (20 U.S.C. 1411-1420):

   The Education of the Handicapped Act, as amended, will not be construed by the State to permit the State to reduce medical or other assistance available under, or to alter the eligibility requirements of, programs funded in whole or in part through Title V (Maternal and Child Health) or Title XIX (Medicaid) of the Social Security Act, with respect to the provision of a free appropriate public education for handicapped children within the State.

4. *Use of "20 Percent" Direct and Support Service Funds, derived from section 403 (a) of the EHA Amendment of 1986, amending §611 (c) of EHA-B [20 U.S.C. §2411 (c) (2)(A) (11)]*

   The State of Delaware will seek to defray administrative costs of monitoring and complaint investigation using the "20 percent" EHA-B funds to the extent that such costs exceed similar costs incurred during Fiscal Year 1985. Complaint investigation and monitoring costs for FY '85 are as follows:

Complaint Investigation	$ 15,481
Monitoring	$ 49,249
	$ 64,730

5. *Reduction of other assistance, derived from section 203 (b) (3) of the EHA Amendments of 1986, amending §613 of EHA-B by adding a new subsection (e)]20 U.S.C. 1412 (e)]*

   The availability of EHA funds shall not be construed by the State of Delaware to permit the State to reduce medical or other assistance available under, or to alter the eligibility requirements of, programs funded in whole or in part through Title V (Maternal and Child Health) or Title XIX (Medicaid) of the Social Security Act, with respect to the provision of a free appropriate public education for handicapped children within the State.

6. *Responsibilities of other State Agencies, derived from section 203 (a) of the EHA Amendments of 1986, amending §612 (6) of the EHA-B by adding a new sentence [20 U.S.C. §1412 (6)]*

The State shall provide in the school districts of the State, or in other State institutions and agencies, or in special programs and private agencies as established or approved by the State Board of Education, that each handicapped person as defined in Chapter 31 of the Delaware Code, Title 14, shall receive a free, appropriate public education designed to meet his or her needs. The State Board of Education shall be the agency responsible for the implementation of this required provision. 14 Del. C. §3120.

However, EHA-B shall not be construed to limit the responsibility of agencies other than educational agencies in the State of Delaware from providing or paying for some or all of the costs of a free appropriate public education to be provided handicapped children in the State.

7. *Attorney's Fees, derived from Section 2 of the Handicapped Children's Protection Act of 1986, amending §615 (e) (4) of EHA-B [20 U.S.C. §1415 (e) (4)].*

Provisions pertaining to Attorney's Fees are currently being revised under the auspices of the State Attorney General's Office. Upon its completion information contained in the provisions shall be distributed with Due Process information as required by law to inform parents of free or low-cost legal and other relevant services available in this area.

TABLE OF CERTIFICATION/LICENSING REQUIREMENTS BY DISTRICT/AGENCY BY JOB TITLE FOR THOSE SERVING HANDICAPPED STUDENTS IN THE STATE OF DELAWARE DURING FY 88-90

(Submitted as supplemental information to the Delaware State Plan for FY 88-90 under EHA, Part B -- State Plan Amendment Requirements, Personnel Standards, CSPD Section VIII)

DISTRICT/AGENCY/JOB TITLES	STATE LICENSURE/CERTIFICATION REQUIREMENT
DEPT. OF CORRECTION	
Division of Education -	
Spec. Ed. Teacher	St. Certification
Psychologist (contr. svcs.)	St. Licensure
DEPT. OF HEALTH & SOCIAL SERVICES	
Division of Visually Impaired -	
Spec. Ed Teacher	St. Certification
Physician	St. Licensure
Preschool Diagnostic & Development Center -	
Speech & Hearing Pathologist	St. Licensure
Audiologist	St. Licensure
DEPARTMENT OF SERVICES TO CHILDREN YOUTH AND THEIR FAMILIES	
Administrative Services Div.	
Spec. Ed. Teacher	St. Certification
Phys. Ed. Teacher	St. Certification
Voc. Ed. Instructor	St. Certification
Teacher Aide	no lic. or cert. required; must work under supervision of spec. ed. certified teacher.
School Counselor	St. Certification
School Psychologist	St. Certification
Psychologist	St. Licensure
Psychiatrist	St. Licensure
Nurse	St. Licensure & Certification
Social Worker	St. Licensure
Speech & Hearing Therapist	St. Licensure & Certification
Occupational Therapist	St. Licensure
Physical Therapist	St. Licensure

DEPARTMENT OF PUBLIC INSTRUCTION

19 School Districts -

Spec. Ed. Teacher (classroom)	St. Certification
Spec. Ed. Teacher (homebound)	St. Certification
Phys. Ed. Teacher	St. Certification
Voc. Ed. Instructor	St. Certification
Teacher Aide	no lic. or cert. required; must work under supervision of spec. ed. certified teacher.
School Counselor	St. Certification
School Psychologist	St. Certification
Psychomotrist	St. Certification
Nurse	St. Licensure & Certification
Social Worker	St. Licensure
Speech & Hearing Therapist	St. Licensure & Certification
Occupational Therapist	St. Licensure & Certification
Physical Therapist	St. Licensure & Certification
Librarian	St. Certification

8/27/97 WM

STATE OF DELAWARE

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ASSISTANT STATE SUPERINTENDENTS

December 29, 1987

TO: Carolyn Smith, USOE
Division of Assistance to States

THROUGH: William Tyrell , USOE
Chief, Field Services Branch

FROM: William B. Keene William B Keene
State Superintendent

SUBJECT: EHA-B STATE PLAN - CONDITIONAL APPROVAL FOLLOW-UP
ADDITIONAL SUBMISSIONS (REF. OSEP LETTER 9/21/87)

In response to 9/21/87 correspondence from Madeline Will, Assistant Secretary, I am forwarding the following documents and information:

1. A complete copy of Delaware's monitoring documents used to determine Local Educational Agencies' compliance with the EHA-B.

2. A copy of revisions to the State's policies and procedures manual proposed for adoption at the February 18, 1988 State Board meeting. However, I am requesting an interim extension of 60 days from January 31, 1988, to more completely examine Delaware's recently adopted Administrative Manual: Programs for Exceptional Children. It is our intention to further refine these policies and procedures to assure that they include all applicable federal requirements. In addition to the request for an extension, I request technical assistance in this effort from both you and Ms. Amy Amiot on Thursday and Friday, January 14 and 15, 1988.

3. Please note that for FY '89, the State of Delaware use of EHA-B funds shall follow the same plan as was submitted for FY '88. The State goals, objectives and activities for special education are currently under major revision and at such time as they are completed, there will be submitted a description for use of EHA-B funds for '89-'90. These goals and objectives include monitoring and evaluation issues. It is anticipated this work shall be completed no later than February 29, 1988.

Following final approval of our State Plan for FY '89 and our Administrative Manual by the Office of Special Education Programs, I would ask that Delaware be scheduled for a technical assistance visit during your next cycle of state monitoring activity.

Thank you for your attention and assistance.

WBK/WML/mbk
Enclosures
cc: Mr. Sidney B. Collison
Dr. Carl M. Haltom
Dr. William M. Lybarger
0030M25

THE STATE OF DELAWARE IS AN EQUAL OPPORTUNITY EMPLOYER AND DOES NOT DISCRIMINATE OR DENY SERVICES ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, HANDICAP AND/OR AGE

THE STATE OF DELAWARE

COMPREHENSIVE COMPLIANCE MONITORING SYSTEM

HANDBOOK AND FORMS

MONITORING (all districts in 4-year cycle)

1. MONITOR'S HANDBOOK
2. FORMS REVIEW CHECKLIST
3. INTERVIEW GUIDE (Spec. Ed. Admin.)
4. INTERVIEW GUIDE & IEP VERIFICATION
5. PROJECT MONITORING
6. MONITORING CRITERIA/SOURCES OF EVIDENCE

AUDITING (all districts annually)

1. SEPT 30, SPEC. EDUC. UNIT AUDIT WORKSHEET

NOTE: The Monitoring Handbook and Forms has been inserted into Appendix F of the Plan, replacing the draft materials.

WML (1/13/88)

THE STATE OF DELAWARE

REVISIONS TO THE

ADMINISTRATIVE MANUAL: PROGRAMS FOR EXCEPTIONAL CHILDREN

PROPOSED FOR ADOPTION

BY THE STATE BOARD OF EDUCATION

FEBRUARY 18, 1988

12/4 & 12/18/87 REVISIONS TO MANUAL

DRAFT

(For Discussion Purposes Only - Not for General Distribution!)

POLICY CHANGES

The following are recommended changes to the Administrative Manual: Programs for Exceptional Children, proposed for adoption at the State Board of Education meeting scheduled for February 18, 1988.

Page 3 - PRE-REFERRAL/REFERRAL FOR ENROLLED STUDENTS

Change I.B.3.e. (Pre-referral exemptions)

Old

(Remain the same through I.B.3.e.(3))

(3) children who are suspected of being autistic, trainable or severely mentally handicapped, deaf or blind, or deaf/blind;

(4) children who are orthopedically handicapped; and

(5) children with trauma induced brain or spinal cord injury.

New

(3) children who are suspected of being autistic, trainable or severely mentally handicapped, hearing impaired, visually impaired, or deaf/blind;

(4) children who are orthopedically handicapped;

(5) children with trauma induced brain or spinal cord injury; and

(6) children whose suspected disability is limited to speech/language impairments.

Page 7 - MULTIDISCIPLINARY TEAM

Change I.C.5.c. and d. (Initial Evaluation, documentation)

Old

c. Each evaluation shall be completed in a manner which:

(1) allows sufficient time for the full range of assessments indicated to be completed; and

(2) precludes undue delay in the implementation of services for eligible students.

d. When evaluating a student suspected of having a learning disability, at least one multidisciplinary team member other than the student's regular teacher shall observe the student's academic performance in the regular classroom setting. When a child is less than school age or is out of school, a team member shall observe the child in an environment appropriate for a child of that age.

The multidisciplinary team shall prepare a written report of the results of the evaluation. The report must include a statement regarding:

(1) whether or not the student has a specific learning disability and the nature of that disability;

(2) the basis for making the determination;

(3) the relevant behavior noted during the observation of the student;

(4) the relationship of that behavior to the student's academic functioning;

(5) the educationally relevant medical findings, if any;

(6) the severity of the discrepancy between achievement and ability which is not correctable without special education and related services; and

(7) the determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

Each team member shall certify in writing whether or not the report reflects his or her conclusions. If it does not, the team member must submit a separate statement presenting his or her conclusions. 34 CFR 300.540-300.543.

New

c. Each evaluation shall be completed in a manner which:

(1) allows sufficient time for the full range of assessments indicated to be completed;

(2) provides the MDT with sufficient information to determine the nature of the handicapping condition and eligibility of the student for services; and

(3) precludes undue delay in the implementation of services for eligible students.

d. The MDT shall document, either in meeting minutes or in written report, conclusions resulting from the evaluation. Each team member shall certify whether or not the report reflects his or her conclusions. If it does not, the team member shall have an opportunity to attach a separate statement presenting his or her conclusions (mandatory for reports pertaining to Learning Disabled students).

e. When evaluating a student suspected of having a learning disability, the following additional requirements shall be met:

(1) At least one multidisciplinary team member other than the student's teacher shall observe the student's academic performance in the regular classroom setting. When a child is less than school age or is out of school, a team member shall observe the child in an environment appropriate for a child of that age; and

(2) The MDT proceedings shall be documented in a written report of the results of the evaluation, and shall include statements regarding:

(a) whether or not the student has a specific learning disability and the nature of that disability;

(b) the basis for making the determination;

(c) the relevant behavior noted during the observation of the student;

(d) the relationship of that behavior to the student's academic functioning;

(e) the educationally relevant medical findings, if any;

(f) the severity of the discrepancy between achievement and ability which is not correctable without special education and related services; and

(g) the determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

(3) Each team member shall certify in writing whether or not the report reflects his or her conclusions. If it does not, the team member must submit a separate statement presenting his or her conclusions.

34 CFR 300.540-300.543.

Page 26 - CONTINUUM OF ALTERNATIVE PROGRAM PLACEMENTS: DISTRICT RESPONSIBILITIES

Change I.F.4.c.(2).(a) (supportive instruction schedule)

Old

(a) The following weekly schedule of hours of instruction will be supported by State funds to the extent that appropriations allow:

OUT OF SCHOOL

Grades 1-5 Minimum 3 hours Maximum 5 hours

New

(a) (same)

Grades K-5 Minimum 3 hours Maximum 5 hours

Change I.F.4.c.(2).(f). (supportive instruction rate)

Old

(f) Teachers providing home, hospital, and/or supportive instruction for a child shall be paid hourly rates as set by the Department of Public Instruction.

New

(f) Teachers providing home, hospital, and/or supportive instruction for a child shall be paid no less than the minimum hourly rate as set by the Department of Public Instruction.

Page 30 - LENGTH OF DAY

Change I.F.18. (Instructional time per day)

Old

Length of school day as to instructional time for handicapped students shall not be less than two and one-half (2-1/2) hours for Kindergarten, five (5) hours for grades one and two, and six (6) hours for grades three through twelve, exclusive of the lunch period. At ungraded schools, the length of the school day shall be no less than five hours, exclusive of the lunch period. The length of the school day for pre-Kindergarten children shall approximate that of Kindergarten children except in a program for the hearing impaired in which a parent is involved in the educational program. In this instance, the school and parents shall collectively determine the schedule for the five (5) hours per week minimum instruction. The school day for a special education pupil shall follow the regulations of the State Board of Education unless the IEP team, with the district superintendent's approval, decides otherwise. Del. Ad. Man., p. 31, 14 Del. C. §2703, 2708.

New

Length of school day as to instructional time for handicapped students shall not be less than two and one-half (2-1/2) hours for Kindergarten, and six (6) hours for grades one through twelve, exclusive of the lunch period. At ungraded special schools, the length of the school day shall be no less than six hours, inclusive of the lunch period where lunchtime activity is specified as part of IEPs. The length of the school day for pre-Kindergarten children shall approximate that of Kindergarten children except in a program for the hearing impaired in which a parent is involved in the educational program. In this instance, the school and parents shall collectively determine the schedule for the five (5) hours per week minimum instruction. The school day for a special education pupil shall follow the regulations of the State Board of Education unless the IEP team, with the district superintendent's approval, decides otherwise. Del. Ad. Man., p. 31, 14 Del. C. §2703, 2708.

NOTE: Full implementation of paragraph I.F.18., with respect to changes in the length of the school day, shall be accomplished by September 1, 1988.

Page 70 - DECISION OF THE DUE PROCESS HEARING PANEL

Change I.E.9.b. (Extension of deadline)

Old

The Chairperson of the Due Process Hearing Panel shall establish a timeline for the hearing process. The Due Process Hearing Panel, for good cause, may grant specific extensions of time beyond the 45 day limit at the request of either party; provided, however, that a final decision shall be reached and a copy of the decision mailed to each of the parties within fifteen days of the date for the hearing, or where applicable, within fifteen days of completion of post-hearing argument.

New

The Chairperson of the Due Process Hearing Panel shall establish a timeline for the hearing process. The Due Process Hearing Panel may, for good cause or when mutually acceptable to the parties, grant specific extensions of time beyond the 45 day limit at the request of either party; provided, however, that a final decision shall be reached and a copy of the decision mailed to each of the parties within fifteen days of the date for the hearing, or where applicable, within fifteen days of completion of post-hearing argument.

Page 75 - PRIVATE PLACEMENTS

Change I.M.2.b. (Criteria for approval)

Old

The Department of Public Instruction shall recommend to the State Board of Education action on referrals for approval of private placement based on the following criteria:

(1) A school district or other public agency program is neither available nor adequate.

(2) No space is available, nor is space available in adjacent districts or other public agency programs.

(3) The school district or other public agency certifies that the student meets the eligibility criteria.

New

The Department of Public Instruction shall recommend to the State Board of Education action on referrals for approval of private placement based on the following criteria:

(1) A school district or other public agency program is neither available nor adequate.

(2) The school district or other public agency certifies that the student meets the eligibility criteria.

11/24/87 & 12/18/87 MANUAL REVISIONS

DRAFT

(For Discussion Purposes Only - Not for General Distribution!)

TECHNICAL CHANGES

The following are recommended changes to the Administrative Manual: Programs for Exceptional Children, to make technical additions, correct technical errors, or clarify meaning of existing policy and procedure statements.

(T) Page FLY SHEET - OFFICE OF CIVIL RIGHTS COMPLIANCE STATEMENT

Change Fly Sheet (Update of O.C.R. statement)

Old

> The State of Delaware is an equal opportunity employer and does not discriminate or deny services on the basis of race, color, national origin, sex, handicap and/or age.

New

> The Delaware Department of Public Instruction does not discriminate in employment or educational programs, services or activities, based on race, color, national origin, sex, age, or handicap in accordance with State and Federal laws. Inquiries should be directed to Department of Public Instruction, State Supervisor of Certification and Personnel, P.O. Box 1402, Dover, Delaware 19903, Area Code (302) 736-4686.

(T) Page 9 - REEVALUATION

Change I.C.8.a. (Reevaluation and parental consent)

Old

> ... The formal reevaluation shall comply with all of the requirements of the initial evaluation procedures specified in this Manual. 34 CFR 300.534(b).

New

> ... The formal reevaluation shall comply with all of the requirements of the initial evaluation procedures prescribed in this Manual except for obtaining informed parental consent. In place of parental consent, written notice must be provided as specified under I.B.4.a.(1) of this Manual. 34 CFR 300.534(b).

(T) Page 27 - CONTINUUM OF ALTERNATIVE PLACEMENTS: DISTRICT RESPONSIBILITIES

Change I.F.4.c.(2).(g) (supportive instruction funds, Level VI programs)

Old

(g) A specific budget amount is allocated to each district for operation of this program, but nothing in these regulations shall be construed to prevent a local district from providing additional hours of instruction or paying a higher hourly rate for teachers' services so long as the extension of services is supported by local or Division III funds. Summer instruction may be provided with State funds, subject to the availability of funds and approval by the Department of Public Instruction. Funds for teacher travel in the provision of home, hospital, or supportive instruction are to be provided by the local district subject to reimbursement annually upon request to the Department of Public Instruction. Del. Ad. Man. pp. 28-29.

New

(g) A specific budget amount is allocated to each district for operation of the Level VI program. However, the local school district is obliged to satisfy the educational needs identified in the student's IEP and may pay for additional hours of instruction, and may pay a higher hourly rate for teachers' services in meeting this obligation so long as the extension of services is supported by local or Division III funds. Summer instruction, referenced in I.F.4.c.(2).(b). above, and which is specified on an IEP, may be underwritten with State funds, subject to the availability of funds and approval by the Department of Public Instruction. Funds for teacher travel in the provision of home, hospital, or supportive instruction are to be provided by the local school district subject to reimbursement annually upon request to the Department of Public Instruction. Del. Ad. Man. pp. 28-29.

(T) Page 57 - SURROGATE PARENTS

Change I.J. (clarification of title "Surrogate Parent")

Old

J. SURROGATE PARENT

Whenever the parent or guardian of a handicapped student is not known, unavailable, or the student is a ward of the State, a surrogate parent shall be assigned to represent the student in all educational decision-making processes pertaining to the identification, evaluation, and educational placement of the student and the provision of a free, appropriate public education to the student. 14 Del. C. §3132; 34 CFR 300.514.

New

J. EDUCATIONAL SURROGATE PARENT

Whenever the parent or guardian of a handicapped student is not known, unavailable, or the student is a ward of the State, an "Educational Surrogate Parent," hereinafter referred to as "Surrogate Parent," shall be assigned to represent the student in all educational decision-making processes pertaining to the identification, evaluation, and educational placement of the student and the provision of a free, appropriate public education to the student. 14 Del. C. §3132; 34 CFR 300.514.

Change I.J.1.b.(1). (correct upper/lower case inconsistency)

Old

At least one parent is available, willing and able to act on behalf of the student; or

New

at least one parent is available, willing and able to act on behalf of the student; or

Change I.J.2.a.(1) (correct upper/lower case inconsistency)

Old

School districts or other public agencies;

New

school districts or other public agencies;

(T) Page 62 - SURROGATE PARENTS

Change I.J.7.d. (correction of court)

Old

"Ward of the State" means any child whose parents' parental rights have been terminated by the Superior Court and for whom neither a legal guardian has been provided nor adoption proceedings finalized.

New

"Ward of the State" means any child whose parents' parental rights have been terminated by the Family Court and for whom neither a legal guardian has been provided nor adoption proceedings finalized.

(T) Page 66 - DUE PROCESS PROCEDURES

Change I.K.5.a. (Initiation of Hearing Procedures)

Old

A request for a Due Process Hearing shall be made in writing to the State Superintendent of Public Instruction. The request must be made no later than 30 days following the date on which the final disputed decision regarding either a student's identification, evaluation, or educational placement or the provision to a student of a free, appropriate public education was made known in writing to all parties. 34 CFR 300.504; 300.506.

New

A request for a Due Process Hearing shall be made in writing to the State Superintendent of Public Instruction. The request can be made following the issuance of the written, final, disputed decision regarding either a student's identification, evaluation, educational placement, or provision to a student of a free, appropriate public education. 34 CFR 300.504; 300.506.

(T) Page 69 - HEARING RIGHTS

Change I.K.7.e. (clarify conditional and to and/or)

Old

The district shall inform the parent of any free or low-cost legal and other relevant services available in the area if:

(1) the parent requests the information; and

(2) the parent or the district initiates a hearing under Sections 5 through 11 of this subpart. 34 CFR 300.506.

New

(same)

(1) the parent requests the information; and/or

(2) (same)

(T) Page 102 - RELATED SERVICES STAFF/UNIT STRUCTURE

Change I.O.4. (Speech Therapists)

Old

Speech Therapists**	1-50 SMH pupils and/or 1-6 units Hearing Impaired

New

Speech Therapists**	1-50 SMH pupils
Speech Therapists ***	1-6 units Hearing Impaired

Change I.Q.4. (Therapists and Special Service Personnel)

Old

Therapists and Special Service Personnel**	1-3 units Deaf/Blind pupils

New

Therapists and Special Service Personnel**	1/3 specialist per each unit Deaf/Blind pupils

Change I.Q.4. (Psychologists)

Old

Psychologists**	1-6 units Autistic pupils and/or 1-10 units Hearing Impaired

New

Psychologists**	1-6 units Autistic pupils 1-10 units Hearing Impaired

Change I.Q.4. (Resource Teachers)

Old

Resource Teachers**	1-10 units Hearing Impaired

New

Resource Teachers***	1-10 units Hearing Impaired

Change I.Q.4. (Interpreter-Tutors)

Old

Interpreter-Tutors**	1-4 Deaf pupils who are mainstreamed

New

Interpreter-Tutor***	1-4 Deaf pupils who are mainstreamed

Change I.Q.4. (footnote)

Old

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*or fractional part of first unit

**districts qualify for fractional part of unit

New

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*or fractional part of first unit.

**districts qualify for fractional part of unit.

***Sterck School only.

2870s(7-12)